

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 23, 2006.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-18-06	S & T Bancorp, Inc., Indiana, to acquire up to 24.99% of the outstanding shares of common stock of Allegheny Valley Bancorp, Inc., Pittsburgh, under section 112 of the Banking Code of 1965	Indiana	Approved
5-18-06	Centra Financial Holdings, Inc., Morgantown, WV, to acquire up to 81.3% of the outstanding shares of common stock of Smithfield State Bank of Smithfield, Smithfield, PA, under section 112 of the Banking Code of 1965	Morgantown, WV	Approved

##### Section 112 Applications

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
5-22-06	Gelt Holdings, Inc., Southampton, PA, to acquire up to 100% of the outstanding shares of common stock of Public Finance Services, Inc., Willow Grove, PA, and thereby indirectly acquire Public Savings Bank, Willow Grove, PA, under section 112 of the Banking Code of 1965	Southampton	Approved

##### Absorptions, Mergers and Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-19-06	Maryland Permanent Bank & Trust Co., Owings Mills, MD, and Northwest Merger Subsidiary II, Inc., Warren, PA Surviving Institution— Maryland Permanent Bank & Trust Co., Owings Mills, MD	Owings Mills, MD	Effective
	This merger being effected solely to facilitate the merger of Maryland Permanent Bank & Trust Co. with and into Northwest Savings Bank, Warren, PA.		
	Northwest Savings Bank, Warren, PA, and Maryland Permanent Bank & Trust Co., Owings Mills, MD Surviving Institution— Northwest Savings Bank, Warren, PA	Warren, PA	Effective
	<i>Branches Acquired by Means of Merger:</i>		
	9612 Reisterstown Road Owings Mills Baltimore County, MD	7310 Ritchie Highway Glen Burnie Anne Arundel County, MD	

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-15-06	East Penn Bank Emmaus Lehigh County	502 State Road Emmaus Lehigh County	Opened
5-18-06	CommunityBanks Millersburg Dauphin County	1201 Carlisle Road West Manchester Township York County	Filed
5-18-06	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Shadyside Giant Eagle 5550 Centre Avenue Pittsburgh Allegheny County	Opened

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Absorptions, Mergers and Consolidations**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-22-06	White Rose Credit Union, York, and Flinchbaugh Credit Union, Red Lion Surviving Institution— White Rose Credit Union, York	York	Approved
5-22-06	Incol Credit Union, Old Forge, and Wilkes-Barre Newspapers Federal Credit Union, Kingston Surviving Institution— Incol Credit Union, Old Forge	Old Forge	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-23-06	PPL G.O.L.D. Credit Union Allentown Lehigh County	To amend Article 1 of the Articles of Incorporation to provide for a change in corporate title from PPL G.O.L.D. Credit Union to PPL GOLD Credit Union.	Effective

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-988. Filed for public inspection June 2, 2006, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**  
**APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION**  
**SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)**  
**PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## I. NPDES Renewal Applications

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PA0027375**, Sewerage SIC 4952, **City of DuBois**, P. O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. This proposed action is for renewal of a NPDES permit for the discharge of treated sewage effluent. This discharge is located in Sandy Township, **Clearfield County**.

The receiving stream, Sandy Lick Creek, is located in the Redbank Watershed 17-C and is classified for the following uses: TSF and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply considered during the evaluation is located at Hawthorne approximately 35 river miles below the discharge.

*Outfall 001*—The effluent limits, based on a design flow of 4.4 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	22	30
(11-1 to 4-30)	25	40	50
TSS	30	45	60
NH <sub>3</sub> N			
(5-1 to 10-31)	2.5	3.5	5.0
(5-1 to 10-31)	7.5	11	15.0
Chlorine Res. (T)	0.5		1.6
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Manganese	Monitor		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times.		

*Outfall S101*—Annual stormwater inspection and Best Management Practices.

*Other Conditions:*

1. Pretreatment.
2. Whole Effluent Toxicity Testing.
3. Stormwater Management Requirements.
4. Dechlorination of Effluent.

The EPA waiver is not in effect.

**PA0228958**, Sewerage SIC 4952, **Penngolf Corporation**, 375 Kennel Lane, Port Matilda, PA 16870. This existing facility is located in Huston Township, **Centre County**.

Description of Proposed Activity: This proposed action is for the construction of a small flow treat facility to serve a golf course club house and maintenance building.

The receiving stream, Bald Eagle Creek, is in the State Water Plan watershed 9C and classified for TSF. The nearest downstream public water supply intake is PA American in Milton, PA.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0016 mgd.

Parameter	Concentration mg/l				Mass lbs	
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
pH	within the range of 6.0 to 9.0					
CBOD <sub>5</sub>	10			20		
TSS	20			40		
Fecal Coliforms:	200 colonies/100 ml					

The EPA waiver is in effect.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA0001236**, Industrial Waste, SIC 3613, **Eaton Electrical**, One Tuscarawas Road, Beaver, PA 15009. This application is for renewal of an NPDES permit to discharge treated process water and untreated cooling water storm water from the Vanport Plant in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters of Two Mile Run and the Ohio River, classified as a WWF existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Water Authority, located on the Ohio River, 8.0 miles below the discharge point.

*Outfall 302*: existing discharge, design flow of 0.168 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Cadmium			0.26	0.69	
Chromium			1.71	2.77	
Copper			2.07	3.38	
Lead			0.43	0.69	
Nickel			2.38	3.98	
Silver			0.24	0.43	
Zinc			1.48	2.61	
Cyanide			0.65	1.20	
TTO				2.13	
Oil and Grease			3.0	60.0	
Total Suspended Solids			31.0	60.0	
Total Residual Chlorine			0.5	1.0	
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Outfall 002 receives wastewater from Internal Monitoring Point 302. Effluent limits are imposed and monitored at this internal monitoring point.

*Outfall 006:* existing discharge, design flow of 0.038 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Temperature (°F)					
June 1-15			110		
June 16-30			110		
July 1-31			106		
August 1-31			104		
September 1-15			97		
September 16-30			91		
Zinc	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 001, 008 and 009:* existing stormwater discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	The discharge from these outfalls shall consist of uncontaminated stormwater runoff only.				

*Outfalls 003—005 and 007:* stormwater discharge, design flow of varied mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Zinc	Monitor and Report				

The EPA waiver is not in effect.

**PA0096814**, Sewage, **Ashbridge Oil Company, Inc.**, P. O. Box 5478, Johnstown, PA 15904. This application is for renewal of an NPDES permit to discharge treated sewage from Robyns Shop Donegal Tri-Fuel STP in Donegal Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Minnow Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Indiana Creek Valley Water Authority.

*Outfall 001:* existing discharge, design flow of 0.0022 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218642**, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Marion Center STP in East Mahoning Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant.

*Outfall 001*: existing discharge, design flow of 0.09 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5			9.0
(11-1 to 4-30)	13.5			27.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218685**, Sewage, **RoxCoal, Inc.**, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Geronimo Mine STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Quemahoning Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Manufacturer's Water Company.

*Outfall 001*: existing discharge, design flow of 0.00161 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	24.0			48.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Northeast Region: Water Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 5406402**, St. Clair Sewer Authority, 16 South Third Street, St. Clair, PA 17970. This proposed facility is located in East Norwegian Township, **Schuylkill County**, PA.

Description of Proposed Action/Activity: Project consists of improvements to wastewater treatment plant, which includes replacement of the headwork's building and equipment inside. The project also consists of replacement of the comminutor with an automated bar screen and replacement of grit removal system.

*Southwest Region: Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0306402**, Sewerage, **Municipal Authority of the Borough of Kittanning**, 300 South McKean Street, Kittanning, PA 16201. This proposed facility is located in Kittanning Borough, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction of a sewer separation.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (601) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021306004	Reading Blue Mtn. & Northern Railroad 1 Railroad Blvd. P. O. Box 218 Port Clinton, PA 19549	Carbon	Jim Thorpe and Nesquehoning Boroughs	Lehigh River HQ-CWF

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

**PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER****Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<b>Permit No. 0106508</b> , Public Water Supply.	
Applicant	<b>Double L Partners</b>
Municipality	Mt. Pleasant Township
County	<b>Adams</b>
Responsible Official	Laverne L. Leese, Partner 928 Bollinger Road Littlestown, PA 17340
Type of Facility	Public Water Supply
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Application Received:	5/4/2006
Description of Action	Construction of a new community water system to be known as "Gcentennial Meadows" with two wells and associated treatment.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<b>Application No. 1606501</b> , Public Water Supply	
Applicant	<b>Piney Creek Limited Partnership</b>
Township or Borough	Piney Creek Township <b>Clarion County</b>
Responsible Official	Kendall R. Reed, Plant Manager

Consulting Engineer John L. Schaudé, P. E.  
Gannett Fleming Inc.  
Foster Plaza 3  
Suite 200  
601 Holiday Drive  
Pittsburgh PA 15220

Application Received Date 05/11/2006

Description of Action Modification to add chemical feed points for chlorine and soda ash, and the construction of a raw water reservoir.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 368W001-T2-MA2**, Minor Amendment

Applicant **Aqua PA, Inc.**

Township or Borough Sadsbury Township  
**Crawford County**

Responsible Official Peter J. Kusky  
Project Manager

Type of Facility Public Water Supply

Application Received Date 05/04/2006

Description of Action Chlorine Feed Modifications to the Oakland Beach Water System to replace gas chlorine storage and feed system with liquid system

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**WA 28-631D.** Water Allocations, **Bear Valley Franklin County Pennsylvania Joint Authority, Franklin County.** Water allocation for the right to purchase up to 1 million gallons per day from the Borough of Chambersburg, based on a 30-day average. Consulting Engineer: David R Knapton, P. E., Gannett Fleming, Inc.. Permit Issued: 5/17/2006.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WA 25-726C.** Water Allocation, **Millcreek Township Water Authority, Millcreek Municipal Building, 3608 West 26th Street, Erie, PA 16506, Millcreek Township, Erie County.** Modification to existing Water Allocation Permit to increase the combined total of all take points for a 30-day average from the Erie City Water Authority, as well as an increase in the peak withdrawal of the East Gore Road/Cider Mill Road take point from 0.3 mgd to

0.66 mgd. As proposed, the combined total will be increased to 3.76 mgd, which is not in discord with the current water service agreement between the Township Water Authority and the Erie City Water Authority.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.



The Department has received the following Notices of Intent to Remediate:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Flextronic Enclosure Site**, Chambersburg Borough, **Franklin County**. Shield Environmental Associates, Inc., 948 Floyd Drive, Lexington, KY 40505, on behalf of Castle Farms, LLC, 6 Riverside Industrial Park, Rome, GA 30161, submitted a Notice of Intent to Remediate groundwater contaminated with TCE. The property is nonresidential and will continue to be nonresidential in the future. The applicant is seeking to remediate to the Site Specific Standard.

**Edwards Property**, Frankstown Township, **Blair County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, 15668, on behalf of Joseph Edwards, R. D. 2 Box 302, Williamsburg and Sel-Lo Oil Inc., R. D. 2 Box 629, Altoona, PA 16601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil. The property is currently used as a residence and will remain residential in the future. The applicant seeks to remediate to the Statewide Health Standard.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-05037A: Cove Shoe Co.** (107 Highland Street, Martinsburg, PA 16662) for installation of a shoe insert molding line for their facility in Martinsburg Borough, **Blair County**.

**67-03071A: PA State Pet Memorial at Golden Lake** (210 Andersontown Road, Mechanicsburg, PA 17055) for construction of an animal crematory controlled by an afterburner at its pet care facility in Monaghan Township, **York County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0019B: Miller and Son Paving, Inc.** (887 Mill Creek Road, Rushland, PA 18956) for installation of a replacement baghouse at an existing batch hot mix asphalt (HMA) plant at their facility in Wrightstown Township, Bucks County. Miller and Son Paving, Inc. (Miller & Son) replaced the baghouse and exhaust fan associated with the batch HMA plant without the Department approval. There is no increase in the potential emissions of any pollutant. The facility is a non-Title V facility.

Miller & Son is required to perform stack testing for the batch HMA plant to demonstrate compliance with the requirements of 40 CFR Part 60, Subpart I and assure the control of emissions consistent with the best available technology. Miller & Son will continue to monitor and maintain records of HMA production on a monthly and 12-month rolling basis to ensure compliance with the HMA production limitation and site-level VOC emission restriction. The permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-303-026: Wilkes-Barre Materials LLC** (500 Chase Road, Shavertown, PA 18708) for modification of a batch asphalt plant to utilize recycled asphalt at the American Asphalt and Paving Company, at 130 Ridgewood Road, Plains Township, **Luzerne County**. Particulate emissions from the plant will be controlled by the existing baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval will be incorporated into the company's State-only Operating Permit No. 40-00076 when operational. The operating permit will contain additional recordkeeping and operating restrictions that are designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**49-00007C: Merck and Co., Inc.** (P. O. Box 600, Danville PA 17821-0600) for modification of equipment included in the antibiotic campaign operations to produce Imipenem Non-Sterile (INS) and to tie-in five existing vessels and one new vessel to the existing thermal oxidizer and associated packed bed scrubber and for installation of a 200-gallon makeup tank, a 1,500-gallon hold tank, four elution columns, a reverse osmosis filter, a 1,500-gallon hold tank, a wastewater stripper, new vent condenser CN-1513 for ST-1510, new vent condenser CN-2962 for TA-2960 and existing vent condenser CN-1527 for TA-1522 at their Cherokee plant in Riverside Borough, **Northumberland County**. The respective facility is a major facility for which a Title V operating permit (49-00007) has been issued. The Department of Environmental Protection (Department) intends to issue a plan approval to authorize the applicant to perform the modification and installations.

Potential emissions from the proposed modification and installations are 0.1 ton per year of point source methylene chloride emissions, 0.78 ton per year of fugitive methylene chloride emissions, 0.17 ton per year of point source VOC emissions, 3.6 tons per year of fugitive VOC emissions, 8.59 tons per year of point source acetone emissions and 0.8 ton per year of fugitive acetone emissions.

The Department's review of the information contained in the application indicates that the INS production operation, as proposed, will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production (Pharmaceutical MACT Rule), 25 Pa. Code § 129.68 and the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval for the proposed operation. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the following pieces of equipment shall be controlled by thermal oxidizer IN-2050 (Control Device ID C500) followed by the Sub-X water cooled quench and Ceilcote model SPT-54-120 packed bed scrubber (Control Device ID C501), or for backup, thermal oxidizer IN-226 (Control Device ID C150) followed by the Ceilcote model SPT-30-156 packed bed scrubber (Control Device ID C154): TA-1696, TA-1532, TA-3035, ST-1501, TA-1542, TA-1522, ST-1510, TA-1154, TA-1160, TA-3075, RE-1651, TA-1680, TA-1682, ST-1415, EV-1230, TA-1444, ST-1447, TA-1031, TA-1435, ST-1240, RE-1210, TA-1249, TA-1033, TA-1201, FD-3100, TA-1255, RE-1676, TA-1550, TA-1270, TA-889, CL-765/DE-1282 (or alternatively CL-1280/DE-1282), TA-1669, DR-1675, TA-1450, TA-876, TA-854 and TA-814. Operations shall cease in this equipment, except for TA-1522, ST-1510 and TA-889, when the thermal oxidizer or associated scrubber is not operational or when the thermal oxidizer or associated scrubber is not operating in accordance with the requirements contained in this plan approval or in Title V operating permit 49-00007. Processing in TA-1522 and ST-1510 and wastewater collection in TA-889 is only authorized to continue up to the next stable hold point. Operations shall not continue after ceasing, in this equipment, until the thermal oxidizer and associated scrubber is operational and is operating in accordance with the requirements contained herein and in Title V operating permit 49-00007.

2. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall follow the internal procedures that ensure that when thermal oxidizer IN-226 is operational overloading of the oxidizer is not occurring. Records of internal procedures and load modeling results shall be maintained and shall be made available to the Department upon request. Additionally, ADC-13 shall not be produced at the same time INS is being produced.

3. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, back-up condensers CN-1513 and CN-1527 shall be used to control the air contaminant emissions from ST-1510 and TA-1522, respectively, when the thermal oxidizer or associated scrubber is not operational or when the thermal oxidizer or associated scrubber is not operating in accordance with the requirements contained in this plan approval or in Title V operating permit 49-00007.

4. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, no condition in this plan approval shall void any requirement in Title V operating permit 49-00007. The permittee shall continue to comply with all requirements of Title V operating permit 49-00007. If there is a conflict between any Title V operating permit condition and a condition of this plan approval, the permittee shall comply with the condition of this plan approval.

5. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, fugitive VOC and acetone emissions from equipment leaks shall be controlled by conducting weekly inspections of INS production process equipment and auxiliary step equipment, during operation, for visible, audible or olfactory indications of leaks. Records of each inspection shall be maintained for a minimum of 5 years and shall include the results of each inspection and when leaky components have been repaired or replaced. Leaky components shall be repaired or replaced as soon as practicable, but not later than 15 calendar days after it is detected.

6. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, fugitive methylene chloride emissions shall be controlled by compliance with the leak detection and repair provisions of 40 CFR 63.1255.

7. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, thermal oxidizers IN-2050 and IN-226 and associated scrubbers shall comply with the following destruction/removal efficiencies: (a) maintain a minimum combined VOC destruction/removal efficiency of 99.9%; (b) maintain a minimum combined methylene chloride destruction/removal efficiency of 99.99%; and (c) maintain a minimum hydrogen chloride removal efficiency of 99%.

8. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, for thermal oxidizer IN-2050 and thermal oxidizer IN-226, the permittee shall maintain a minimum oxidizer outlet temperature of at least 1,800°F.

9. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.122, for Ceilcote scrubber model SPT-54-120 (Control Device ID C501), the permittee shall maintain a scrubber solution pH of at least 7 and shall maintain a scrubber solution flow rate of at least 85 gallons per minute.

10. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, for Ceilcote scrubber model SPT-30-156 (Control Device ID C154), the permittee shall maintain a scrubber solution pH of at least 7 and shall maintain a scrubber solution flow rate of at least 50 gallons per minute.

11. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the maximum coolant inlet temperature to condensers CN-1513 and CN-1527 shall not exceed -4°F (-20°C).

12. Under 25 Pa. Code §§ 129.68, the maximum coolant inlet temperature to condenser CN-2962 shall not exceed 41°F (5°C).

13. Condensers CN-1513, CN-1527 and CN-2962 shall be equipped with temperature gauges that accurately measure the condenser inlet coolant temperatures.

14. The condenser coolant inlet temperatures shall be recorded at a minimum of once each shift. In addition, the highest vapor pressure compound condensed in CN-2962 shall be recorded. The records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

15. The permittee shall operate CN-2962 in compliance with 25 Pa. Code § 129.68. In addition, when triethylamine or any other HAP is being emitted from TA-2960, the use of CN-2962 shall be in accordance with the Pharmaceutical MACT requirements, Subpart A of 40 CFR Part 63 and the permittee's startup, shutdown and malfunction plan.

16. The INS production process, the methylene chloride recovery process, the methylene chloride wastewater stripping process and associated storage tanks and wastewater tanks are subject to 40 CFR Part 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production (Pharmaceutical MACT Rule). The permittee shall comply with all applicable requirements of the Pharmaceutical MACT Rule and shall comply with the provisions of the Notification of Compliance Status Report dated March 14, 2003, and NOCSR revisions dated February 28, 2006.

17. Issuance of an operating permit for INS production is contingent upon all sources being constructed, all air cleaning devices being installed and all sources and air

cleaning devices being maintained and operated as described in the plan approval application and supplemental materials submitted with the application, and in accordance with all conditions, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein, as well as in compliance with the requirements specified in 40 CFR Part 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production (Pharmaceutical MACT Rule) and 25 Pa. Code §§ 123.31, 123.41 and 129.68 as well as in compliance with the requirements specified in, or established under, any other applicable rules and regulations contained in 40 CFR and Article III of the Rules and Regulations of the Department.

Copies of the application and the Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by contacting the Department at (570) 327-3693.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317) for operation of an electricity generating station (Titus Station) in Cumru Township, **Berks County**. The renewal will also incorporate the Plan Approvals No. 06-05024A and No. 06-05024B issued for the construction of a coal handling system and the modification of the SO<sub>2</sub> limits on the three main coal fired boilers. The current Acid Rain permit is included within this permit renewal. The three main boilers are subject to 40 CFR Part 64, Compliance Assurance Monitoring for particulate, SO<sub>2</sub> and NOx and Title IV (Acid Rain) of the Clean Air Act, which includes 40 CFR Parts 72, 73 and 75—77. This action is a renewal of the Title V Operating Permit issued in 2000.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00074: Langeloth Metallurgical Co., LLC.** (10 Langeloth Plant Drive, Langeloth, PA 15054) for manufacturing of Electrometallurgical Products at their Washington Plant in Smith Township, PA, **Washington County**. This is a Title V Operating Permit Renewal.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**45-00031: Horizon Milling, LLC** (Harvest Lane, Route 940, P. O. Box 147, Mt. Pocono, PA 18344) for a State-only (Synthetic Minor) Operating Permit for a flour and grain mill products facility in Pocono Township, **Monroe County**. The sources at the facility include wheat receiving rail truck grain cleaning, wheat transfer screening, milling and bulk loadout packing operations. The sources have the potential to emit pollutants (PM) above Title V thresholds. The permittee is proposing production throughput limitations at the source level along with recordkeeping and reporting as a method of compliance. The State-only (Synthetic Minor) Operating Permit shall contain all applicable requirements for emissions limitations, testing, monitoring, recordkeeping, reporting and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

**35-00023: United Gilsonite Laboratories** (P. O. Box 70, Scranton, PA 18501) for operation of their paint-coating operations in Dunmore Borough, **Lackawanna County**. The Department of Environmental Protection intends to renew the State-only (Natural Minor) Operating Permit for this facility.

**54-00032: Lehigh Asphalt Paving and Construction Co., Inc.** (P. O. Box 549, Tamaqua, PA 18252) for operation of their hot mix batch asphalt plant in West Penn Township, **Schuylkill County**. The Department intends to renew the State-only (Synthetic Minor) Operating Permit for this facility.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-03128: Royal Green Corp.** (30 West Huller Lane, Temple, PA 19560) for operation of a ferrous metal shredding operation in Ontelaunee Township, **Berks County**. The facility has the potential to emit 53 tons of PM per year. The facility wide operating permit shall include emission restrictions, monitoring and recordkeeping requirements designed to ensure the facility complies with applicable air quality regulations.

**07-03009: Tyrone Wastewater Treatment Plant** (1100 Logan Avenue, Tyrone, PA 16686) for operation of their wastewater treatment facility in Snyder Township, **Blair County**. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**29-03007: Mellott Wood Preserving Co., Inc.** (1398 Sawmill Road, Needmore, PA 17238) for operation of a wood-fired boiler at the wood treatment plant in Belfast Township, **Fulton County**. The State-only operating permit will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-00293: Quality Aggregates, Inc.** (201 Deer Road, Boyers, PA 16020) for manufacturing crushed and screened limestone outside the town of Boyers, Marion Township, **Butler County**.

**42-00184: Keystone Powdered Metal Company—Lewis Run Plant** (8 Hanley Drive, Lewis Run, PA 16738) for operation of a powdered metal part manufacturing facility, in the Borough of Lewis Run, **McKean County**. The facility's primary emission sources include sintering and heat treating furnaces. The emissions of criteria pollutants from this facility are below major source levels.

**43-00309: Bucks Fabricating, Inc.** (3547 Perry Highway, Hadley, PA 16130-7237) for emission sources including a surface coating operation, assembly cleaning and miscellaneous propane gas usage in Sandy Creek Township, **Mercer County**. Appropriate conditions from previous plan approvals and operating permits have been incorporated into this permit.

**37-00299: International Mill Service, Inc.** (208 Rundle Road, New Castle, PA 16103) for emission sources including a slag processing operation, material dumping, material storage and plant roadways in Taylor Township, **Lawrence County**. Appropriate conditions from previous plan approvals and operating permits have been incorporated into this permit.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code

Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an

informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**03031301 and NPDES Permit No. PA0235563. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), to revise the permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** to modify the subsidence control plan. No additional discharges. Application received May 1, 2006.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc.** (210 E. Main St., P. O. Box 556, Ligonier, PA 15658). Renewal application for continued mining of an existing bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 133.6 acres. Receiving streams: UNTs to Hypocrite Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 12, 2005.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**33010102 and NPDES Permit No. PA0241890. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip, auger, limestone and coal removal, and tippie refuse disposal operation in Perry Township, **Jefferson County** affecting 56.4 acres. Receiving streams: two UNTs to Foundry Run, Foundry Run to Mahoning Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 16, 2006.

**16060104 and NPDES Permit No. PA0258156. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Monroe Township, **Clarion County** affecting 16.0 acres. Receiving streams: three UNTs to Piney Creek and Piney Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 11, 2006.

**61020102 and NPDES Permit No. PA0242101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous surface strip operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: UNTs to Allegheny River, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Emlenton Water Company and Parker Area Water Authority. Revision to include a post-mining landuse change from cropland to Industrial/Commercial use and to remove topsoil from the site on the Dave and Edna Mae Kasmoch property. Application received: May 19, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17910113 and NPDES No. PA0206610. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface mine in Penn Township, **Clearfield County**, affecting 78.0 acres. Receiving streams: Bell Run and Poplar Run. There are no potable water supply intakes within 10 miles downstream. Application received: May 10, 2006.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**49851603R4. Mid-Valley Coal Sales, Inc.** (1380 Tioga Street, Coal Township, PA 17866), renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres. Receiving stream: none. Application received May 15, 2006.

**54851342R4. Little Buck Coal Company** (57 Lincoln Road, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres. Receiving stream: none. Application received May 16, 2006.

**49871601R3. Calvin V. Lenig Coal Prep & Sales, Inc.** (R. R. 1 Box 330, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County**

affecting 3.2 acres. Receiving stream: none. Application received May 17, 2006.

*Noncoal Applications Received*

*Effluent Limits*

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**4873SM8C5 and NPDES Permit No. PA0594644. O-N Minerals (Penroc) Company, LP** (P. O. Box 1967, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**. Receiving stream: UNT to Codorus Creek, classified for the following use: WWF. Application received May 15, 2006.

**7475SM5A3C10 and NPDES Permit No. PA0613711. Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dickinson Township, **Cumberland County**. Receiving stream: UNT to Yellow Breeches Creek, classified for the following use: CWF. Application received May 17, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-396. Lackawanna Heritage Valley Authority**, 1300 Old Plank Road, Mayfield, PA 18433, in the City of Scranton, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a trail system in the floodway of the Lackawanna River for approximately 3,750 feet and to construct and maintain 900 feet of rock bank stabilization along the right bank of the Lackawanna River (CWF). (Scranton, PA Quadrangle N: 7.3 inches; W: 5.4 inches).

**E35-397. North Pocono School District**, 701 Church Street, Moscow, PA 18444, in Moscow Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To place and maintain fill in 0.12 acre of wetlands within the Van Brunt Creek Watershed (CWS) for the purpose of improving safety and improving access to existing athletic fields at the North Pocono Elementary School. (Moscow, PA Quadrangle N: 16.0 inches; W: 5.0 inches).

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-708. Jordan M. Florida**, 14970 Willy Road, Waterford, PA 16441-3754. Florida Bridge, in LeBouef Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 1.4 inches; W: 7.5 inches).

The applicant proposes to construct and maintain a steel beam bridge having a clear span of approximately 30 feet and an underclearance of approximately 7 feet across Colt Run on Willy Road, approximately 0.2 mile northwest of the intersection of SR 6 and Willey Road for access to a private residence. Colt Run is a perennial stream classified as a WWF. The project proposes to directly impact approximately 30 feet of stream.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D21-003EA. South Middleton Township**, 520 Park Drive, Boiling Springs, PA 17007, South Middleton Township, **Cumberland County**, ACOE Baltimore District.

Project proposes to breach and remove Wittlinger Dam across Yellow Breeches Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,400 feet of stream channel. The dam is located approximately 3,300 feet south of the intersection of Forge Road (SR 2003) and SR 174 (Carlisle, PA Quadrangle N: 2.85 inches; W: 0.4 inch).

**D15-403EA. Nestle Water North America Inc.**, 405 Nestle Way, Breinigsville, PA 18031, South Coventry Township, **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Nestle Dam across a tributary to Pigeon Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 100 feet of stream channel. The dam is located approximately 4,500 feet east of the intersection of Harmonyville Road (SR 4041) and Chestnut Hill Road (T 470) (Pottstown, PA Quadrangle N: 13.25 inches; W: 8.1 inches).

**D46-343EA. Central Perkiomen Valley Park**, P. O. Box 311, Norristown, PA 19404, Perkiomen Township and Borough of Schwenksville, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Schwenksville Dam across Perkiomen Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also allow for unobstructed migration of migratory and resident fishes. The project will restore approximately 750 feet of stream channel. The dam is located approximately 800 feet north of the intersection of SR 29 and Haldeman Road (SR 1022) (Perkiomenville, PA Quadrangle N: 0.60 inch; W: 12.05 inches).

**D46-023EA. Central Perkiomen Valley Park**, P. O. Box 311, Norristown, PA 19404, Lower Frederick and Upper Salford Townships, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Kratz Dam across Perkiomen Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also allow for unobstructed migration of migratory and resident fishes. The project will restore approximately 1,100 feet of

stream channel. The dam is located approximately 1,500 feet north of the intersection of SR 29 and Schwenksville Road (SR 4018) (Perkiomenville, PA Quadrangle N: 2.65 inches; W: 12.4 inches).

**D46-056EA. Central Perkiomen Valley Park**, P. O. Box 311, Norristown, PA 19404, Perkiomen and Skippack Townships, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Rosman Dam across Perkiomen Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also allow for unobstructed migration of migratory and resident fishes. The project will restore approximately 2,500 feet of stream channel. The dam is located approximately 800 feet northeast of the intersection of SR 29 and Plank Road (SR 4044) (Collegeville, PA Quadrangle N: 21.2 inches; W: 11.0 inches).

**D06-508EA. Robert Ciccone and Sons**, P. O. Box 86, Bath, PA 18014. Maxatawney Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Arrowhead Business and Industrial Park Dam across a tributary to Mill Creek (TSF) and to construct an off-stream stormwater detention basin within the former reservoir. The purpose of the project is to restore the stream to a free flowing condition and to provide stormwater detention for the Arrowhead Business and Industrial Park. The project will restore approximately 325 linear feet of stream channel. The dam is located immediately east of Long Lane approximately 1,000 feet north of the intersection of Long Lane (SR 1024) and US Route 222 (Topton, PA Quadrangle N: 7.0 inches; W: 15.5 inches).

**EA54-003. James S. Turner, Jr.**, 291 Pheasant Run Road, Orwigsburg, PA 17961. West Brunswick Township, **Schuylkill County**, ACOE Philadelphia District.

Project proposes to expand an existing nonjurisdictional dam across a tributary to Pine Creek (CWF) for recreation and fire protection. The project will impact approximately 120 feet of stream channel. The dam is located approximately 1,800 feet east of the intersection of Pheasant Run Road (T 725) and Lakefront Drive (T 712) (Orwigsburg, West, PA Quadrangle, N: 3.25", W: 6.4").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D63-134. Consol PA Coal Company**, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. Description: To construct, operate and maintain Enlow Fork Mine Fresh Water Impoundment Dam across a tributary to Short Creek (TSF), impacting 1.793 acres of wetlands (PEM, PEM/SS and PEM/FO) and 8,786 feet of stream and providing 2.69 acres of wetland mitigation and 9,222 feet of stream mitigation for the purpose of providing a water supply system to support a planned expansion of the Enlow Fork Mine to include additional underground mine acres in **Greene and Washington Counties** (Prosperity, PA Quadrangle N: 4.5 inches; W: 5.9 inches) in Morris Township, Washington County.

**D35-001EA. Natural Lands Trust, Inc.**, 1031 Palmers Mill Road, Media, PA 19063. Plan for initial drawdown and stabilization of sediments within the impoundment created by Glenburn Pond Dam, located across Ackerly Creek (TSF). This work is considered Phase I of the eventual breach and removal plan and includes initial drawdown of the impoundment using siphons, redirecting Ackerly Creek to discharge to the

center of the impoundment area, constructing a berm within the reservoir impacting approximately 0.9 acre for access and sediment management, and creating a spillway notch to reduce the spillway elevation and normal pool from 1,022.79 to 1,019.0. (Dalton, PA Quadrangle N: 3.4 inches; W: 3.0 inches) in Glenburn Township, **Lackawanna County**.

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## ACTIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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#### I. NPDES Renewal Permit Actions

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#### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0244058**, Sewage, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944. This proposed facility is located in Bedminster Township, **Bucks County**.



The following notice reflects changes to the notice published at 36 Pa.B. 1501, 1505 (April 1, 2006). The typographical error in permit No. PA0244066 has been corrected to PA0244058.

Description of Proposed Action/Activity: Approval for the issuance of an NPDES permit to discharge treated sewage from the treatment plant serving Ferlauto Tract Subdivision into Deep Run Creek in Watershed 2D—Three Mile Run.

**NPDES Permit No. PA0052451**, Sewage, **The Landenberg Village, LLC**, 104 Landenberg Road, Suite 3, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal and transfer to discharge treated sewage from a STP serving The Wool House into East Branch of White Clay Creek in Watershed 3I.

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### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404009	Great Valley Nature Center Route 29 and Hollow Road Devault, PA 19432	Wayne	Dreher Township	Wallenpaupack Creek HQ-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Armstrong County Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050305003	Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601	Armstrong	South Buffalo Township	Buffalo Creek (HQ-TSF)

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052606001	National Pike Water Authority P. O. Box 10 Markleyburg, PA 15459	Fayette	Wharton Township	UNT to Deadman's Run and Meadow Run (HQ-CWF)

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705002	Turnpike Commission 700 South Eisenhower Road Middletown, PA 17057	Lawrence	Little Beaver and North Beaver Townships	North Fork Little Beaver Creek HQ-CWF

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### VII. Approvals to Use NPDES and/or Other General Permits

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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#### List of NPDES and/or Other General Permit Types

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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hazle Township West Hazleton Borough Hazleton City Luzerne County	PAG2004005007	Andrew G. Benyo Municipal Authority of Hazle Township P. O. Box 502 Harleigh, PA 18225	Hazle Creek CWF	Luzerne County Conservation District (570) 674-7991
Edwardsville Borough Luzerne County	PAG2004006007	WP Edwardsville Associates, LLC 940 Haverford Rd. Bryn Mawr, PA 19010	Toby Creek WWF	Luzerne County Conservation District (570) 674-7991
Hazle Township Luzerne County	PAG2004005046	Pets United, Inc. Attn: Gregg Patterson 1 Maplewood Dr. Hazleton, PA 18202	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Jackson Township Luzerne County	PAG2004006014	Heritage Hills Estates, Inc. Attn: David Pieczynski 24 Richard Drive Dallas, PA 18612	Drakes Creek CWF	Luzerne County Conservation District (570) 674-7991
Beaver County Harmony Township	PAG2000406004	Paul Kamzelski Harmony Township Municipal Authority 2501 Woodland Road Ambridge, PA 15003	UNTs to Ohio River (WWF)	Beaver County Conservation District (724) 378-1701
Beaver County Harmony Township	PAG2000406005	Paul Kamzelski Harmony Township Municipal Authority 2501 Woodland Road Ambridge, PA 15003	UNTs to Ohio River (WWF)	Beaver County Conservation District (724) 378-1701
Beaver County Independence Township	PAG2000406009	Gene Fleegal Independence Township 104 School Road Aliquippa, PA 15001	Raccoon Creek (WWF)	Beaver County Conservation District (724) 378-1701
Fayette County North Union Township	PAG2002606008	R.E.A.L. Investments 3005 Hartsock Lane Colorado Springs, CO 80917	UNT to Redstone Creek (WWF)	Fayette County Conservation District (724) 438-4497
Cambria County Richland Township	PAG2001106005	Johnstown-Cambria County Airport Authority 479 Airport Road Suite 1 Johnstown, PA 15904	UNT to Solomon Run (WWF)	Cambria County Conservation District (814) 472-2120
Westmoreland County Mt. Pleasant Township	PAG2006505002	Dennis Castelli R. D. 3, Box 374 New Alexandria, PA 15670	Shoup Run (WWF)	Westmoreland County Conservation District (724) 837-5271

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Unity Township	PAG2006505057	John Odell Warner of Sturgis, LLC 507 Mortimer Avenue Sturgis, MI 49091	Loyalhanna Creek (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006505063	Logan M. Dickerson 460 Glenmeade Road Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Penn Township	PAG2006505073	David W. Casuccio Fischione Instruments, Inc. 9003 Corporate Circle Export, PA 15632	Turtle Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006506003	Kevin P. Abbott, NDC 340 Mansfield Avenue Pittsburgh, PA 15220	Jacks Run (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006506004	Gordon Food Service P. O. Box 1787 Grand Rapids, MI 49501	Brush Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Unity Township	PAG2006506006	Department of Transportation District 12 825 North Gallatin Avenue Uniontown, PA 15401	Monastery Run (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Rostraver Township	PAG2006506010	J. Yorick United Mobile Home 1275 Forman Drive Morgantown, WV 26508	UNT to Cedar Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County City of Lower Burrell	PAG2006506011	J. Callahan Burrell School District 1021 Puckety Church Road Lower Burrell, PA 15068	Little Pucketa Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Murrysville	PAG2006506019	Ben Sampson Toro Development Co. 2500 Eldo Road Monroeville, PA 15146	UNT to Humms Run (TSF)	Westmoreland County Conservation District (724) 837-5271
Butler County Middlesex Township	PAG2001006005	Larry and Laurel Colonello 131 Meredith Drive Mars, PA 16046	UNT Glade Run WWF	Butler Conservation District (724) 284-5270
Butler County Slippery Rock Township	PAG2001006006	G. L. McKnight, Inc. Reese Road Slippery Rock, PA 16057	UNT Slippery Rock Creek CWF	Butler Conservation District (724) 284-5270
Jefferson County Young Township	PAG2003306001	Richardson Construction Company, Inc. P. O. Box 96 Punxsutawney, PA 15767	UNT Cold Spring Run CWF	Jefferson Conservation District (814) 849-7463
Venango County Cranberry Township	PAG2006106002	Department of Transportation 255 Elm Street Oil City, PA 16301	Upper Sage Run UNT Allegheny River CWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; County/Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Conemaugh Township Indiana County PAG086106A1	Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor 401 Washington Street Johnstown, PA 15901	Geyer Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Whitehall Township Lehigh County	PAG102202	Gulf Oil Limited Partnership Fullerton Gulf Terminal 2451 Main Street Whitehall, PA 18052	UNT to Lehigh River	DEP—ERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

**PUBLIC WATER SUPPLY (PWS)**

**PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<b>Permit No. 5005504</b> , Public Water Supply.	
Applicant	<b>Newport Water Authority</b>
Municipality	Howe Township
County	<b>Perry</b>
Type of Facility	Campbell Well and related treatment facilities.
Consulting Engineer	Harry E. Bingaman, P. E. Glace Assoc., Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Permit to Construct Issued:	5/10/2006
<b>Permit No. 6706509</b> , Minor Amendment, Public Water Supply.	
Applicant	<b>Glen Rock Water Authority</b>
Municipality	Glen Rock Borough
County	<b>York</b>
Type of Facility	Repainting of the Hanover Street finished water standpipe.
Consulting Engineer	William A. LaDieu, P. E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	5/9/2006
<b>Permit No. 3105502</b> , Minor Amendment, Public Water Supply.	
Applicant	<b>R.P.R. Recreation Limited Partnership</b>
Municipality	Lincoln Township
County	<b>Huntingdon</b>
Type of Facility	Addition of potassium permanganate.
Consulting Engineer	Daniel J. Carbaugh, P. E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648
Permit to Construct Issued:	5/19/2006

**Permit No. 6706505**, Public Water Supply.

Applicant **The York Water Company**  
 Municipality Spring Garden Township  
 County **York**  
 Type of Facility PWS permit is for the replacement of the secondary raw water intake's screen and screen house at the Brillhart Pumping Station.

Consulting Engineer Ryan M. Ural, P. E.  
 The York Water Company  
 130 East Market Street  
 P. O. Box 15089  
 York, PA 17405-7089

Permit to Construct 5/10/2006  
 Issued:

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant **BCI Municipal Authority**  
 Township or Borough Beccaria Township  
 County **Clearfield**  
 Responsible Official Steven G. Fletcher, Supervisor  
 BCI Municipal Authority  
 Cressview Street  
 P. O. Box 388  
 Irvona, PA 16656

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Timothy A. Cooper, P. E.  
 Stiffler, McGraw & Associates  
 P. O. Box 462  
 19 North Juniata Street  
 Hollidaysburg, PA 16648

Permit Issued Date 5/19/06

Description of Action Booster Pump Station No. 2 upgrades and the extension of the waterline in Lyleville.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Operations Permit** issued to **Pinebloom Corporation d/b/a Wolf's Camping Resort**, 308 Timberwolf Run, Knox, PA 16232-9316, PWS ID 6160861, Beaver Township, **Clarion County**, on May 18, 2006, for the operation of the 48 gpm water treatment plant consisting of flocculation, sedimentation, filtration, disinfection, pumping and pipeline, completed to specifications of Construction Permit No. 1605501, issued February 26, 2003.

**Rescission of Operations Permit** issued to the **Department of Conservation and Natural Resources, Bureau of State Parks**, RCSOB, P. O. Box 8551, Harrisburg, PA 17105-8551, PWS ID 6620363, Chapman State Park, Pleasant Township, **Warren County**, on May 17, 2006. Permit No. 6279502, issued January 29, 1980, is no longer required for this facility; this action relieves the Department of Conservation and Natural Resources, Chapman State Park of any obligations covered by Permit No. 6279502.

**SEWAGE FACILITIES ACT PLAN APPROVAL****Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mifflinburg Borough	333 Chestnut Street Mifflinburg, PA 17844	Union

*Plan Description:* The approved plan provides for construction of an upgrade of the existing sewerage facilities in the Borough. The existing SBR wastewater treatment facility will be converted to a membrane bioreactor process to enable the facility to meet the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. Tankage freed up by the conversion will be utilized to provide flow equalization. Influent pumping and incoming interceptor capacity will be expanded. The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Armstrong World Industries, Building 800**, City of Lancaster and Manheim Township, **Lancaster County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604-3001, submitted a Final Report concerning remediation of groundwater contaminated with solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Nextel Partners, Inc. Patton Forest Facility**, Patton Township, **Centre County**. Blazosky Assoc, Inc., 2525 Green Tech Dr., Suite D, State College, PA 16803 on behalf of Nextel Partners, Inc., 2603 E. College Ave., State College, PA 16802 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Penns Creek Elementary School**, Centre Township, **Snyder County**. Chambers Environmental Group, Inc. 629 East Rolling Ridge Dr., Bellefonte, PA 16823 on behalf of Mid-West School District, 568 East Main St., Middleburg, PA 17842 has submitted a Remedial Investigation Report and Final Report concerning remediation of site soil contaminated with fuel oil No. 2. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**J & J Sales & Service Inc.**, Benton Township, **Columbia County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 on behalf of Gerald Houseweart II, 146A Dotyville Road, Benton, PA 17814 has submitted a work plan and Baseline Environmental Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Special Industrial Area requirements.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release

of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Eatwell Diner (Former)**, North Lebanon Township, **Lebanon County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Hamdy Aboshua, c/o Timothy Engler Esquire, Engler Law Office, 411 Cumberland Street, Lebanon, PA 17402, submitted a Final Report concerning the remediation of site groundwater contaminated with No. 2 heating oil. The final report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on May 16, 2006.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Pennsylvania Air National Guard Station (Former)**, College Township, **Centre County**. CH2M HILL, 1700 Market St., Suite 1600, Philadelphia, PA 19103 on behalf of the United States Air National Guard, 3500 Fetchet Ave., Andrews Air Force Base, MD 20762-5157 has submitted a Final Report concerning remediation of site groundwater contaminated with

trichloroethene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 24, 2006.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**66-310-012GP3: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on May 11, 2006, to construct and operate a portable stone crushing plant at the Wyoming Asphalt Company in Eaton Township, **Wyoming County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0102A: Soil Technology, Inc.** (7 Steel Road East, Morrisville, PA 19067) on May 19, 2006, to operate a diesel driven screen in Falls Township, **Bucks County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**64-301-007: James H. Wilson Funeral Home, Inc.** (P. O. Box 7, Lake Ariel, PA 18436) on May 9, 2006, to construct a crematory and associated air cleaning device in Lake Township, **Wayne County**.

**13-399-013: Ametek, Inc.** (42 Mountain Avenue, Green Acres Industrial Park, Nesquehoning, PA 18260) on May 8, 2006, to install an air cleaning device to capture emissions from starch processing operations in Nesquehoning Borough, **Carbon County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**67-05045B: Glen-Gery Corp.** (1090 East Boundary Avenue, York, PA 17403-2920) on May 16, 2006, to install a dry limestone adsorber on Tunnel Kiln No. 2 at the York Plant in Spring Garden Township, **York County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; George Monasky, New Source Review Chief, (814) 332-6940.*

**25-069K: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) on May 15, 2006, to install a Palladium Acetate process at the Erie facility in the City of Erie, **Erie County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0005Y: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on May 16, 2006, to operate a low-VOC alternate operating scenario of the pharmaceutical manufacturing processes in Building 69, in Upper Gwynedd Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05139A: AFP Advanced Food Products, LLC** (158 West Jackson Street, New Holland, PA 17557-1607) on April 27, 2006, to construct a new boiler and to use landfill gas as an alternate fuel source at their food packaging plant in New Holland Borough, **Lancaster County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**60-318-011A: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837) on May 15, 2006, to increase various coating, adhesive and cleanup solvent usage limitations for a fabricated steel parts surface coating operation as well as to increase the VOC limitation for the operation from 3.54 to 4.95 tons in any 12-consecutive month period and the volatile HAP limitation from .57 to 1.5 tons in any 12-consecutive month period in Buffalo Township, **Union County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**32-00385A: CQ Hardwood Finishers, LLC** (28 Kendall Road, Homer City, PA 15748) on May 18, 2006 to complete construction at the Hardwood Flooring Finishing plant in Burrell Township, **Indiana County**. This plan approval was extended.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**28-05015: IESI PA Blue Ridge Landfill, Corp.** (P. O. Box 399, Scotland, PA 18254-0399) on May 17, 2006, to incorporate appropriate language for the beneficial use of landfill gas for their refuse disposal facility in Greene Township, **Franklin County**. This is revision No. 1.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**35-00056: P. A. Hutchison Co.** (400 Penn Avenue, Mayfield, PA 18433) on April 21, 2006, to issue a State-only Operating Permit for a commercial printing facility in Mayfield Borough, **Lackawanna County**.

**45-00003: Reliant Energy—Shawnee CT Facility** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on April 28, 2006, to issue a renewal State-only (Synthetic Minor) Operating Permit for a combustion turbine in Middle Smithfield Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**05-03011: Blue Triangle Hardwoods, LLC** (Route 26 North, Everett, PA 15537) on May 16, 2006, to operate a sawmill in West Providence Township, **Bedford County**.

**21-05030: Ahlstrom Mount Holly Springs, LLC** (122 West Butler Street, Mount Holly Springs, PA 17065-1218) on May 17, 2006, to operate a specialty paper manufacturing facility in Mount Holly Springs Borough, **Cumberland County**. This is a renewal of the State-only operating permit.

**22-03009: Dauphin Precision Tool, LLC** (200 Front Street, Millersburg, PA 17061-1324) on May 16, 2006, for their machining and heat treat operations at their Millersburg Plant in Millersburg Borough, **Dauphin County**. This is a renewal of the State-only operating permit.

**38-05034: Butler Manufacturing Co.** (400 North Weaver Street, Annville, PA 17003-1103) on May 16, 2006, to operate two spray-paint booths at their steel fabrication facility in Annville Township, **Lebanon County**.

**67-03115: Garrod Hydraulics, Inc.** (1050 Locust Point Road, York, PA 17402-8059) on May 17, 2006, to operate a hard chrome electroplating system in East Manchester Township, **York County**.

**67-05031: Wayneco, Inc.** (800 Hanover Road, York, PA 17404-6212) on May 12, 2006, to operate their wood furniture manufacturing facility in Jackson Township, **York County**. This is a renewal of the State-only operating permit.

**67-05063: York Building Products Co., Inc.** (950 Smile Way, York, PA 17404-1798) on May 18, 2006, to operate their asphalt plant and stone quarry in West Manchester Township, **York County**. This is a renewal of the State-only operating permit.

**67-05079: York Building Products Co., Inc.** (P. O. Box 1708, 1020 N. Hartley Street, York, PA 17405) on May 18, 2006, to operate their asphalt plant in Jackson Township, **York County**. This is a renewal of the State-only operating permit.

**67-05080: York Building Products Co., Inc.** (P. O. Box 1708, 1020 N. Hartley Street, York, PA 17405) on May 18, 2006, to operate their stone quarry in Jackson Township, **York County**. This is a renewal of the State-only operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**04-00675: Aliquippa Terminals, Inc.** (100 Woodlawn Road, Aliquippa, PA 15001) on May 11, 2006, to operate two docks with an excavator/hydraulic clamshell, a backup clamshell crane a large storage building for super bags and bulk materials and assorted stockpiles at the terminal in Aliquippa Township, **Beaver County**. This is a State-only Operating Permit.

**11-00051: Quaker Sales Corp.** (P. O. Box 880, Johnstown, PA 15907) on May 16, 2006 to operate a Batch Process, Hot Mix Asphalt Concrete Plant in West Taylor, **Cambria County**. This is a Synthetic Minor Permit.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.*

**AMS 06014: Sun Chemical** (3301 Hunting Park Avenue, Philadelphia, PA 19132) on May 4, 2006, to install one Kady mill, 16 mixers, one post mixer and eight table top mixers in the City of Philadelphia, **Philadelphia County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**23-00001: Sunoco, Inc.—R&M** (100 Green Street, Marcus Hook, PA 19061) on May 17, 2006, to incorporate CO monitoring for source 101 at 0% oxygen in Marcus Hook Borough, **Delaware County**. Title V Operating Permit Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.*

**V05-001: Exelon Generation Co.—Southwark Generating Co.** (2501 South Delaware Avenue, Philadelphia, PA 19148) on May 15, 2006, administratively amended to correct a particulate emission limit from the regulations. The Title V operating permit was originally issued on December 16, 2005.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**32803712 and NPDES Permit No. PA0092142, Keystone Coal Mining Corporation** (P. O. Box 219, 400 Overview Drive, Sheloceta, PA 15774), to renew the permit for the Lewisville Recovery Plant in Young Township,



**Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received: May 23, 2005. Permit issued May 18, 2006.

**32841303 and NPDES Permit No. PA0001775, Helvetia Coal Company** (P. O. Box 219, 400 Overview Drive, Sheloceta, PA 15774), to renew the permit for the Lucerne Mine No. 6 in Center Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received: April 22, 2005. Permit issued May 18, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56050105 and NPDES No. PA0249793. Svonavec, Inc.**, 150 West Union Street, Suite 201, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 273.6 acres. Receiving streams: UNTs to/and Middle Creek and UNT to/and South Glade Creek classified for the following uses: TSF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 13, 2005. Permit issued May 12, 2006.

**56040106, Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 4.1 acres. Receiving streams: UNTs to/and Buffalo Creek and UNTs to/and Hays Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 18, 2004. Permit issued: May 12, 2006.

**11000104 and NPDES No. PA0248851. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface auger mine in Adams Township, **Cambria County**, affecting 133.8 acres. Receiving stream: Paint Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 9, 2005. Permit issued May 11, 2006.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc.** (210 East Main Street, P. O. Box 556, Ligonier, PA 15658). Permit revised to add removal of the Sewickley coal seam and add mining and reclamation areas at an existing bituminous surface mining site located in Fairfield Township, **Westmoreland County**, now affecting 146.8 acres. Receiving streams: Hypocrite Creek, Hannas Run and UNTs to Hypocrite Creek. Application received: February 10, 2006. Revised permit issued: May 18, 2006.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16050111 and NPDES No. PA0258041. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) Commencement, operation and restoration of a bituminous strip operation in Porter Township, **Clarion County** affecting 86.0 acres. Receiving streams: UNT to Licking Creek and UNT to West Fork of Leatherwood Creek. Application received: October 12, 2005. Permit Issued: May 10, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17060105 and NPDES Permit No. PA0256374. Allegheny Enterprises, Inc.** (P. O. Box 333, Curwensville, PA 16833), commencement, operation and restoration of a bituminous surface mine in Brady Township, **Clearfield County** affecting 38.0 acres. Receiving stream: Stump Creek classified for the following use: CWF. There are no downstream potable water supply intakes from the point of discharge. Application received May 17, 2006.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54851305R4. D & F Deep Mine Coal Company** (207 Creek Road, Klingertown, PA 17941), renewal of an existing anthracite underground mine operation Cass Township, **Schuylkill County** affecting 1.08 acres, receiving stream: none. Application received February 13, 2006. Renewal issued May 16, 2006.

**13010201R. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), renewal of an existing anthracite surface mine operation in Banks Township, **Carbon County** affecting 580.0 acres. Receiving stream: none. Application received March 9, 2006. Renewal issued May 16, 2006.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**24050301 and NPDES Permit No. PA0257974. North Star Aggregates, Inc.** (P. O. Box R, Ridgway, PA 15853) Commencement, operation and restoration of a large industrial mineral sandstone and topsoil operation in Horton Township, **Elk County** affecting 130.0 acres. Receiving streams: Johnson Run and Oyster Run. Application received: August 17, 2005. Permit Issued: May 18, 2006.

**20050805. Timothy C. Powell** (18536 Cussewago Road, Meadville, PA 16335). Commencement, operation and restoration of a small noncoal sandstone operation in Vernon Township, **Crawford County** affecting 5.2 acres. Receiving streams: UNT to French Creek. Application received: December 15, 2005. Permit Issued: May 15, 2006.

**20930801. Sean Spencer** (24454 Gravel Run Road, Cambridge Springs, PA 16403) Transfer of an existing small noncoal sand and gravel operation from David and Sandra McMahon in Woodcock Township, **Crawford County** affecting 5.0 acres. Receiving streams: UNT to Gravel Run. Application received: February 6, 2006. Permit Issued: May 17, 2006.

**42050801. William K. Robinson** (P. O. Box 76, Roulette, PA 16746) Commencement, operation and restoration of a small noncoal bluestone operation in Eldred Township, **McKean County** affecting 1.5 acres. Receiving streams: Canfield Creek. Application received: August 2, 2005. Permit Issued: May 18, 2006.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58050820. Lee A. Warner** (R. R. 1, Box 221 West, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 3.0 acres. Receiving stream: none. Application received May 2, 2005. Permit issued May 16, 2006.

**58050841. Andrew Boisselle** (137 Manhattan Avenue, Teaneck, NJ 07666-6135), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received August 29, 2005. Permit issued May 16, 2006.

**66060803. Frank A. Remington** (R. R. 2, Box 195, New Albany, PA 18833), commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 5.0 acres. Receiving stream: none. Application received February 1, 2006. Permit issued May 17, 2006.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**10064001. Kesco, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting activity permit to install sanitary sewer lines in Connoquenessing Township, **Butler County**. This blasting activity permit will expire on July 15, 2006. Application received: May 15, 2006. Application Issued: May 15, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08064001. Demtech, Inc.** (65 Bald Mountain Road, Dubois, WY 82513). Blasting Activity Permit issued May 15, 2006, in Athens Boro and Athens Township, **Bradford County** with an expiration date of May 14, 2006. An extension has been requested and approved and the new expiration date is June 15, 2006.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**09064002. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC (P. O. Box 20412, Bethlehem, PA 18002), construction blasting for Three Mile Run Road and Schoolhouse Road Water Main Extension in Perkasio Borough, **Bucks County** with an expiration date of November 15, 2006. Permit issued May 15, 2006.

**06064111. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a barn/equipment storage in Marion Township, **Berks County** with an expiration date of December 30, 2006. Permit issued May 15, 2006.

**36064146. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Conley Farms Dairy Barn in West Hempfield Township, **Lancaster County** with an expiration date of December 31, 2007. Permit issued May 15, 2006.

**40064114. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for a foundation in Ross Township, **Luzerne County** with an expiration date of June 30, 2006. Permit issued May 15, 2006.

**28064003. Winchester Building Supply Co., Inc.** (2001 Millwood Pike, Winchester, VA 22602), construction blasting at Moss Springs Development in Greencastle Township, **Franklin County** with an expiration date of April 30, 2007. Permit issued May 17, 2006.

**28064143. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Farmsprings Estates in Washington Township, **Franklin County** with an expiration date of May 30, 2007. Permit issued May 17, 2006.

**28064144. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for a home in Antrim Township, **Franklin County** with an expiration date of May 31, 2007. Permit issued May 17, 2006.

**28064145. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Grandpoint Crossing in Greene Township, **Franklin County** with an expiration date of May 1, 2007. Permit issued May 17, 2006.

**28064146. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Longview Estates in Greene Township, **Franklin County** with an expiration date of May 11, 2007. Permit issued May 17, 2006.

**28064147. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for a home in Antrim Township, **Franklin County** with an expiration date of May 12, 2007. Permit issued May 17, 2006.

**36064149. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for residential development on Municipal Drive in Millersville Borough, **Lancaster County** with an expiration date of May 15, 2007. Permit issued May 17, 2006.

**36064150. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for a pool in Manheim Township, **Lancaster County** with an expiration date of April 30, 2007. Permit issued May 17, 2006.

**22064003. Abel Construction Company, Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Meadows of Hanover Phase 13 in South Hanover Township, **Dauphin County** with an expiration date of May 1, 2007. Permit issued May 18, 2006.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E48-369. Jaiindl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069. Allen Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a wooden pedestrian bridge having a span of 36 feet and a maximum underclearance of 6 feet across Dry Run (CWF) with two access ramps having lengths of 41 feet and 37 feet. The purpose of the bridge is to provide a safer access to areas north of Dry Run without having to walk along the busy Willowbrook Road. The project is located approximately 40 feet upstream of Willowbrook Road (Catasauqua, PA Quadrangle N: 10.9 inches; W: 13.2 inches). (Subbasin: 2C)

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1524. McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5597. To place a culvert and outfalls in McCandless Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 11.25 inches; W: 1.5 inches and Latitude: 40° 33' 39"—Longitude: 80° 01' 39"). To remove and/or abandon existing structures, to operate and maintain various existing outfalls; to temporarily impact and restore 0.067 acre of wetlands (PEM) to construct and maintain three sequencing batch reactors, a headworks grit barscreen and a UV Tank/Post equalization flow control valve vault and associated fill on the left bank of Little Pine Creek (TSF) and to replace and maintain a 12-inch diameter culvert approximately 20 feet long in a UNT to Little Pine Creek (TSF) for the purpose of upgrading the existing Longvue No. 1 Watershed Treatment Facility located approximately 800 feet north from the intersection of Hazlett Road and Remington Drive.

**E03-438. Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601. To place fill in wetlands in South Buffalo Township, **Armstrong County**, Pittsburgh ACOE District. (Freeport, PA Quadrangle N: 22.5 inches; W: 2.5 inches and Latitude: 40° 44' 45"—Longitude: 79° 38' 30"). To place and maintain fill in 0.05 acre of PFO wetlands in the watershed of a UNT to Pine Run (HQ-TSF) for the purpose of construction of an electric power substation located approximately 600 feet north of Sipes Road

**E32-339A. Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317-5817. To construct a new rail track in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District. The project begins at (New Florence, PA Quadrangle N: 2.2 inches; W: 7.1 inches and Latitude: 40° 23' 16"—Longitude: 79° 04' 24" and ends at New Florence, PA Quadrangle N: 1.9 inches; W: 9.5 inches and Latitude: 40° 23' 07"—Longitude: 79° 03' 27"). To amend permit No. E32-339 to construct a new rail track to facilitate coal rail car operations at the Conemaugh Power Station: 1) Place and maintain fill in three wetlands for a total wetland impact of 0.03 acre; 2) Place and maintain fill along the right bank floodway of the Conemaugh River for a total length of approximately 2,000 feet; and 3) Extend and maintain the height of an existing endwall by 1 foot on a UNT to the Conemaugh River (WWF) and extend the length of an existing culvert by 6 feet on another UNT to the Conemaugh River, both located in watersheds under 100 acres.

**E32-466. Ruben D. Byler**, 31 Windows Road, Smicksburg, PA 16256. To construct a bridge in West Mahoning Township, **Indiana County**, Pittsburgh ACOE District. (Plumville, PA Quadrangle N: 20.8 inches; W: 5.1 inches and Latitude: 40° 52' 00"—Longitude: 79° 9' 30"). To remove the existing structure and to construct and maintain a single span bridge having a span of approximately 18 feet and underclearance of approximately 6 feet and approximately 17 feet wide over a UNT to Little Mahoning Creek (HQ-CWF) for the purpose of providing access to a residence. The project is located on the east side of SR 954 approximately 500 feet north of its intersection with T-396.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-700. Erie County Convention Center Authority**, 809 French Street, Erie, PA 16501. Dobbins Landing Wall and Pedestrian Bridge in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 2.0 inches; W: 12.6 inches).

The applicant proposes to construct and maintain a pedestrian overpass bridge having a clear span of 174 feet and an underclearance of 69.0 feet above the entrance channel to the West Canal Basin (Erie North, PA Quadrangle N: 2.0 inches; W: 12.6 inches) in Presque Isle Bay (PIB), Lake Erie in the City of Erie, Erie County. The bridge would connect a proposed Sheraton Hotel and the Erie County Convention Center. Also, to construct and maintain a soldier pile wall having a length of 113 feet along the southern wall of West Dobbins Landing in the West Canal Basin to provide public access and for site aesthetics.

Also, to transfer a portion of DEP Permit No. E25-696 from the Erie-Western Pennsylvania Port Authority (EWPPA) to the Erie County Convention Center Authority (ECCCA). Permit E25-696 authorized EWPPA to conduct the following activities within the West Canal Basin, Presque Isle Bay, Lake Erie within the City of Erie, Erie County:

1. To remove the existing wall and to construct and maintain a 260-foot long soldier pile wall on the easterly portion of the south wall of West Dobbins Landing.

2. To fill the former boat hoist area near the midsection of the south wall of West Dobbins Landing and a basin area at the east end of the south wall of West Dobbins Landing. The total area of fill is 0.18 acre.

3. To construct and maintain approximately an 8-foot wide header dock having a length of approximately 530 feet along the south wall of West Dobbins Landing.

4. To remove five existing finger piers along the south wall of West Dobbins Landing.

5. To construct and maintain two approximately 85-foot long finger pier extensions to the existing finger piers that extend north from the north wall of the Presque Isle Yacht Club.

6. To remove the existing wall and to construct and maintain the 250-foot long north vertical wall of the Presque Isle Yacht Club.

7. To remove an approximately 310-foot long sheet pile wall and associated docks and to construct and maintain a 310-foot long revetment slope 6-foot wide header dock having a length of approximately 300 feet along the east side of the Presque Isle Yacht Club in the south portion of the West Canal Basin.

The following activities are transferred from EWPPA's DEP Permit No. E25-696 to the proposed ECCCA DEP Permit No. E25-700.

1. To remove the existing wall and to construct and maintain a 260-foot long soldier pile wall on the easterly portion of the south wall of West Dobbins Landing.

2. To fill the former boat hoist area near the midsection of the south wall of West Dobbins Landing and a basin area at the east end of the south wall of West Dobbins Landing. The total area of fill is 0.18 acre.

**E62-406, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 0069, Section B00, Segment 0280, Offset 0046 Bridge in Sugar Grove Borough, **Warren County**, ACOE Pittsburgh District (Sugar Grove, PA Quadrangle N: 19.4 inches; W: 12.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain a concrete box beam bridge having a clear span of 43.0 feet and an underclearance of 10.0 feet across Stillwater Creek (Sugar Grove, PA Quadrangle N: 19.4 inches; W: 12.6 inches) on SR 0069, Section B00, Segment 0280, Offset 0046 in Sugar Grove Borough, Warren County approximately 75 feet east of the intersection of SR 0069 and SR 957.

Stillwater Creek is a perennial stream classified as a CWF. The project proposes to impact approximately 100 feet of stream.

## ENVIRONMENTAL ASSESSMENTS

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**EA13-002NE. Nesquehoning Water Authority**, Attention: Stephen Yurchak, Chairperson, 114 West Catawissa Street, Nesquehoning, PA 18240, in Nesquehoning Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To remove an abandoned water obstruction consisting of three 15-inch CMP culverts located in First Hollow Run (EV) and restore the channel to its natural condition. The project will be constructed under Waiver 11, Section 105.12a(11) and is located approximately 3,000 feet upstream of the confluence of First Hollow Run and Nesquehoning Creek (Nesquehoning, PA Quadrangle N: 21.5 inches; W: 10.5 inches).

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA1009-003. Robindale Energy Services, Inc.**, 1001 Broad St., Suite 130, Johnstown, PA 15906. Abandoned Mine Land Reclamation Project, in Brushvalley Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to backfill a 31-acre abandoned surface mine, which includes four dangerous highwalls totaling 4,852 linear feet. The project will include the backfilling of: (1) 0.46 acre of AMD-impacted wetlands; (2) 0.49 acre open-water body; and (3) 200 linear feet of AMD-impacted stream channel. (New Florence Quadrangle N: 20.25 inches, W: 4 inches).

[Pa.B. Doc. No. 06-989. Filed for public inspection June 2, 2006, 9:00 a.m.]

## Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

### *Final Technical Guidance*

DEP ID: 363-4000-003. Title: Standards and Guidelines for Identifying, Tracking, and Resolving Violations of the Storm Water Management Act. Description: This document provides guidance concerning the implementation and execution of compliance and enforcement activities employed by the Department for the Act 167 Stormwater Management Program. The document was developed in conformance with the Department's policy on Standards

and Guidelines For Identifying, Tracking, and Resolving Violations and is issued under the authority of the Storm Water Management Act (32 P. S. §§ 680.1—680.17). Notice of availability of the draft document for public comment was published at 36 Pa.B. 1006 (February 25, 2006). The Department did not receive any comments on the draft document during the public comment period, which concluded on March 27, 2006. Contact: Questions regarding this technical guidance document should be directed to Barry Newman, Division of Waterways, Wetlands and Stormwater Management, (717) 772-5661, banewman@state.pa.us. Effective Date: June 3, 2006.

DEP ID: 363-4000-004. Title: Standards and Guidelines for Identifying, Tracking, and Resolving Violations for Operators of Municipal Separate Storm Sewer Systems (MS4s). Description: This document provides guidance concerning the implementation and execution of compliance and enforcement activities employed by the Department for the Small Municipal Separate Storm Sewer System (MS4) Program. The document was developed in conformance with the Department's policy on Standards and Guidelines For Identifying, Tracking, and Resolving Violations and is issued under the authority of the Clean Water Act (33 U.S.C.A. §§ 1251—1376), the Federal stormwater management regulations in 40 CFR 122.26—123.35, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17), 25 Pa. Code Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) and other applicable rules and regulations promulgated thereunder. Notice of availability of the draft document for public comment was published at 36 Pa.B. 1006 (February 25, 2006). The Department did not receive any comments on the draft document during the public comment period, which concluded on March 27, 2006. Contact: Questions regarding this technical guidance document should be directed to Barry Newman, Division of Waterways, Wetlands and Stormwater Management, (717) 772-5661, banewman@state.pa.us. Effective Date: June 3, 2006.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-990. Filed for public inspection June 2, 2006, 9:00 a.m.]

## Dam Safety and Waterway Management

### **Proposed Water Quality Certification under Section 401 of the Federal Clean Water Act and Federal Consistency Review under the Coastal Zone Management Act of 1972, as amended, for the Army Corps of Engineers Pennsylvania State Programmatic General Permit (PASPGP-3)**

On December 27, 2005, the Baltimore, Philadelphia and Pittsburgh Districts of the Army Corps of Engineers, under the authority of section 404(e) of the Federal Clean Water Act (33 U.S.C.A. § 1344(e)), proposed by its Special Public Notice 05-54, to reissue with modifications the State Programmatic General Permit to the Commonwealth (PASPGP-3). Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires the State to certify that any activity requiring a Federal license or permit, which may result in a discharge into the waters

of the United States, will comply with the applicable provisions of the Federal Clean Water Act as well as applicable State law related to water quality protection. In addition, section 307 of the Federal Coastal Zone Management Act of 1972 (33 U.S.C.A. § 1456) requires that any Federal action which affects the coastal use or resource of a coastal state will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of that State's approved Coastal Management Program. On April 26, 2006, the Army Corps of Engineers furnished to the Department of Environmental Protection (Department) a final copy of the Pennsylvania State Programmatic General Permit (PASPGP-3) for a 5-year period with an effective date of July 8, 2006.

This action by the Corps of Engineers continues the present Federal permitting process undertaken jointly with the State process for activities affecting waterways, water bodies and wetlands authorized under the State's Dam Safety and Encroachment Act. PASPGP-3 places the Department Regional Offices and delegated county conservation districts in the lead for the majority of permit actions. Through the incorporation of Federal and State permitting standards in one process, the PASPGP-3 continues a streamlined process for permit applicants without compromising comprehensive environmental protection.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of an encroachment or water obstruction as proposed in PASPGP-3 complies with the applicable provisions of sections 301—303, 306 and 307 of the Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further proposes to certify that the construction, operation and maintenance of the projects complies with applicable State laws related to water quality protection and that the construction, operation and maintenance of the projects does not violate applicable State water quality standards provided that the construction, operation and maintenance of the projects complies with the criteria and conditions of the permit.

Furthermore, PASPGP-3 is a Federal action subject to review for consistency with the enforceable policies of Pennsylvania's Coastal Zone Management (CZM) Program. As required under section 306(d)(14) of the Coastal Zone Management Act, the CZM Program is providing the public this opportunity to provide comments on whether the PASPGP-3 is consistent with the CZM Program's policies. The CZM Program's policies can be found on the Department's website at <http://www.depweb.state.pa.us>. Select DEP Programs (A-Z); Select W—Water Planning Office; Select Coastal Zone Management Program; Select Program Reference Documents; Select Program Guidance Document.

Prior to final action on the proposed 401 Water Quality Certification and CZM Consistency for the PASPGP-3, consideration will be given to any comments, suggestions or objections which are submitted in writing by July 3, 2006. Comments concerning the proposed 401 Water Quality Certification and CZM consistency for PASPGP-3 should be directed to Kenneth Murin, Chief, Division of Waterways, Wetlands and Stormwater Management, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or through Pennsylv-

vania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted by July 3, 2006.

Copies of the PASPGP-3 and the Army Corps of Engineers public notice may be obtained by contacting Patricia Strong, Pennsylvania Section, Baltimore District, United States Army Corps of Engineers, P. O. Box 1715, Baltimore, MD 21203-1715, (410) 962-1847.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-991. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Revised Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces revisions to the 2006 bond rate guidelines for anthracite and bituminous coal mining operations based on additional reclamation contract bid data. These revisions are effective July 1, 2006. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and the regulations promulgated thereunder at 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including: surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, and the surface facilities of underground mining operations. The procedures for calculating land reclamation bonds are described in technical guidance 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available at the Public Participation Center on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision.

The bond rate guidelines do not apply to bonds assuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396a(c)) or to bonds ensuring compliance with the requirements of the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).

These revisions are the result of additional data on unit costs for reclamation bids during 2005. The 2005 data was averaged in with previous years' data to calculate the revised bond rate guidelines.

Substantial reclamation cost increases during 2005 resulted in an overall increase of the 2006 bond rate guidelines. The Department anticipates that reclamation

costs will continue to increase, resulting in substantial increases in the 2007 bond rate guidelines. In light of these continuing reclamation cost increases, the Mining and Reclamation Advisory Board (MRAB) recommended that the Department continue to use the most current 3 years of reclamation cost data available to set the bond rate guidelines. The MRAB also recommended that the Department publish the bond rate guidelines on an annual basis by April 1 of each year. The Department agrees with the MRAB recommendations and will publish future bond rate guidelines using the most current data by April 1 of each year.

#### *General Methodology*

The Department developed the revised bond rate guidelines for 2006 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998 through 2005. In general, a 3-year (2003—2005) weighted average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2005 that included R-3 rock used for channel lining. Therefore, the previously calculated guideline was used. During 2005, only 21.5 acres of selective grading was bid. Therefore, a 4-year weighted average was used for selective grading.

For most categories, the bond rate for a given unit operation is the weighted average of the three lowest total bids for each contract over a 3-, 4-, or 5-year period depending on the number of bids received. However, grading costs are calculated using a weighted frequency distribution in combination with the weighted averages and trend analysis.

The pond removal bond rate guideline for active phases of mining has been increased by 8% from the flat rate of \$3,500. This increase is based on an 8% increase in grading costs, which is the major cost in removing ponds. The Department will continue to calculate the costs of pond removal based on any increases of associated reclamation unit costs, such as grading, in future bond rate guidelines.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1, then any additional cost information available will be used. If enough data is still not available, the rate will be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

The bond rate guidelines are available electronically at [www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm](http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm). For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### *Effective Date*

The bond rate guidelines in this notice are effective July 1, 2006.

TABLE 1

**Revised Bond Rate Guidelines  
For Year 2006  
Effective July 1, 2006**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/demobilization	Job	4% of direct costs or \$40,000, whichever is less
Grading (< 500-foot push)	cubic yard	0.65
Grading ( $\geq$ 500-foot push/haul)	cubic yard	0.95
Selective Grading	Acre	1,300.00
Revegetation	Acre	1,350.00
Tree Planting	Tree	0.15
Ditch Excavation	cubic yard	4.60
Jute Matting	square yard	2.45
High Velocity Erosion Control	square yard	2.20
R3 Rock Lining	square yard	18.00
R4 Rock Lining	square yard	23.75
R5 Rock Lining	square yard	18.00
Geotextile/Filter Fabric	square yard	2.00
PVC Lining <sup>1</sup>	square yard	9.50
Subsurface Drain	lineal foot	10.90
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Pond Removal Active Phase <sup>2</sup>	Pond	3,800.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)
Stage 3 Maintenance Bond Non-Cropland Areas (Land uses where crop yields are not required)	Acre	100.00
Stage 3 Maintenance Bond Cropland (not row crops) Pastureland or Land occasional cut for hay (excludes seed cost)	Acre	550.00
Stage 3 Maintenance Bond Cropland Area-Row Crops (includes seed cost)	Acre	750.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic yards (Embankment volume) plus topsoiling and revegetation cost	Use < 500 grading for pond embankment volume plus topsoiling and revegetation cost for the area disturbed
Ditch Removal—Stage 3	Lineal Foot	0.65
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs will be calculated using costs listed in the construction industry's latest annual cost publications, such as <i>Means Building Construction Cost Data</i> .	
Mine Sealing <sup>3</sup> Nonhydraulic shaft seal—inert fill	shaft (10 ft. or less diameter)	1,400.00
	shaft (11 to 15 ft. diameter)	3,000.00
	shaft (16 to 20 ft. diameter)	4,500.00
	shaft (21 to 25 ft. diameter)	8,000.00
Mine Sealing <sup>3</sup> Hydraulic shaft seal w/bulkhead	shaft (10 ft. or less diameter)	7,600.00
	shaft (11 to 15 ft. diameter)	9,200.00
	shaft (16 to 20 ft. diameter)	10,700.00
	shaft (21 to 25 ft. diameter)	14,200.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mine Sealing <sup>3</sup> Nonhydraulic drift/slope seal	drift/slope	3,900.00
Mine Sealing <sup>3</sup> Hydraulic drift/slope seal w/bulkhead	drift/slope	6,200.00

<sup>1</sup> Typically used for lining of ponds or ditches crossing fill material.

<sup>2</sup> Unit cost not from BAMR bids, includes dewatering, grading, topsoil placement and revegetation.

<sup>3</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment, and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

**TABLE 2**

**Land Maintenance Financial Guarantee Fees for Year 2006**

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	\$1,000
Administrative	\$ 300

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-992. Filed for public inspection June 2, 2006, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Right-to-Know Law

**1. PURPOSE:** In compliance with section 8(a) of the Right-to-Know Law, 65 P. S. § 66.8(a), and Management Directive 205.36, the Department of General Services (DGS) adopts this amended Right-to-Know Law (RTKL) notice establishing the policy, process and procedures that DGS will follow when responding to requests made pursuant to the RTKL for access to or copies of public records.

**2. POLICY:** DGS will provide the public with access to public records to the fullest extent required by law consistent with DGS' duties to protect the interests and rights of those who do business with DGS, their employees and our employees in compliance with the RTKL, 65 P. S. §§ 66.1—66.9, Management Directive 205.36 (relating to agency responses to RTKL requests) and Manual 215.3, Procurement Handbook: Part I—Chapter 50 (relating to public access to procurement information).

Consistent with this policy, to facilitate access to documents of public interest and to reduce time delays and processing efforts associated with formal RTKL requests, DGS may, from time to time, make documents available on its web site [www.dgs.state.pa.us](http://www.dgs.state.pa.us) such as statewide contracts, commodity specifications, bid awards, the debarment list and lists of firms appointed as designed professionals.

When a resident's right to access requested documents is limited by law, DGS will apply the applicable legal standards, including, but not limited to these recurring situations:

a. Bids and proposals are not "public records" unless and until a contract is executed with one of the bidders or offerors. If a formal contract is executed, the selected firm's bid or proposal is subject to disclosure. The disclosure of competing proposals during the evaluation/discussion processes of the competitive sealed proposals method of procurement is specifically prohibited. 62 Pa.C.S. § 513(d) and (f). The disclosure of unsuccessful

proposals also is prohibited under the Commonwealth Procurement Code, 62 Pa.C.S. § 106(b).

b. The Commonwealth Procurement Code prohibits DGS from disclosing financial information contained in a sealed bid, sealed proposal or prequalification document of a bidder or offeror, which was requested in an Invitations for Bids or Request for Proposals to demonstrate its economic capability to fully perform the contract requirements. 62 Pa.C.S. § 106(b).

c. DGS redacts the names and personal information related to a contractor's employees when providing certified payroll records. See *Sapp Roofing Co. Inc. v. Sheet Metal Workers' Int'l. Assoc.*, 552 Pa. 105, 713 A.2d 627 (1998).

d. DGS redacts social security numbers and home addresses contained in public records.

e. DGS will not provide sensitive records, which are not "public records." The RTKL definition of "public records" excludes sensitive records when disclosure of the record "would operate to the prejudice or impairment of a person's reputation or personal security." Such sensitive records, if released, might reasonably operate to impair a person's privacy rights or to impair the security of an individual or a group of individuals, including any interest of such persons in their persons, property and reputations, if such information were to come into the possession of persons engaged in the commission of criminal acts, terroristic acts, or acts of war, or persons engaged in planning such acts. Examples of "sensitive records" include, but are not limited to: blueprints, plans, and as-built drawings for public and private buildings; plans for highway and railroad bridges; plans for emergency response and evacuation, including Continuity of Government plans, counter-terrorism protocols and other records involving public health and safety; names, addresses, and other information that disclose the identity of law enforcement or corrections officers and officials and their families; and information that would disclose the whereabouts of abused spouses and children.

f. DGS will undertake legal review of a RTKL request related to litigation and will assert its right to extend the responsive time. Requesters are encouraged to follow the Rules of Civil Procedure governing discovery to receive documents in a time frame shorter than the extended time in which a RTKL response is due.



g. DGS follows the rules of statutory construction in the computation of time under the RTKL. See 1 Pa.C.S. § 1908 (period of time referred to in statute is computed as to exclude the first and include the last day of such period. Whenever the last day of any such period shall fall on Saturday or Sunday, or on a legal holiday, such day shall be omitted from the computation).

**3. DEFINITIONS:** The terms "Public Record," "Requester," and "Response" shall have the meanings given to them in the "Right-to-Know Law," as amended, 65 P. S. §§ 66.1—66.9. Other terms used in this notice have the following meanings:

**a. Business day.** Monday through Friday from 8:30 AM to 5:00 PM, except those days when the offices of the Department are closed for all or part of a day:

- (1) due to a state holiday;
- (2) pursuant to Management Directives 530.71, Partial and Full Day Closings of State Offices and 505.7, Personnel Rules, Section 8.7, due to severe weather (such as a blizzard or ice storm);
- (3) due to natural or other disaster; or
- (4) due to the request or direction of local, State, or Federal law enforcement agencies or officials.

**b. Deemed denied.** A request is deemed denied if one of the following conditions occurs:

- (1) the Department fails to respond within the initial 10-business-day period specified in the RTKL for response to RTKL requests.
- (2) the Department extends the 10-business-day period by up to 30 calendar days, but then fails to respond by the end of that extended period.
- (3) the Department notifies the Requester that it requires additional time to respond in excess of the permitted 30 calendar day period.

**c. Department.** Department of General Services.

**d. Exceptions.** A written document filed with the RTKL Exceptions Official by a Requester challenging the denial or deemed denial of the Requester's RTKL request by the Department's RTKL Official.

**e. RTKL.** The Act of June 21, 1957 (P. L. 390, No. 212), commonly referred to as the "Right-to-Know Law," as amended, 65 P. S. §§ 66.1—66.9.

**f. Records Custodian.** Any person having custody, possession or control of a document.

**g. Redaction.** The eradication of a portion of a record while retaining the remainder.

**h. RTKL Exceptions Official.** The official designated by the Secretary to receive RTKL exceptions, to conduct hearings (if and when hearings are convened at the discretion of the RTKL Exceptions Official), and to issue final determinations in accordance with the RTKL. The RTKL Exceptions Official is the Deputy Secretary for Administration, 515 North Office Building, Harrisburg, PA 17125. The facsimile number is (717) 787-4741. The name of the RTKL Exceptions Official may be found at <http://www.dgs.state.pa.us>.

**i. RTKL Official.** The official designated by the Secretary to receive RTKL requests submitted to the Department, to direct requests to other appropriate persons, to track the Department's progress in responding to RTKL request, and to issue interim and final responses to RTKL requests. The RTKL Official is the DGS Press Secretary. The address of the RTKL Official is 515 North Office

Building, Harrisburg, PA 17125. The facsimile number is (717) 772-2026. The name of the RTKL Official may be found at <http://www.dgs.state.pa.us>.

**j. RTKL request.** A written request invoking the RTKL submitted to the Department's RTKL Official asking for access to a record.

**k. Secretary.** The Secretary of the Department of General Services.

#### **4. PROCEDURES FOR RESPONDING TO RTKL REQUESTS:**

##### **a. RTKL Requests.**

(1) *Verbal RTKL requests.* The Department will not accept any verbal RTKL request.

(2) *Anonymous RTKL requests.* The Department will not accept any written RTKL request that does not identify the Requester.

(3) *Electronic RTKL requests other than by facsimile.* The Department will not accept RTKL requests submitted via e-mail.

(4) *Contents of a request.* A RTKL request must include the name of the Requester and a Pennsylvania address to which the Department should respond. The RTKL request must identify or describe the records sought with sufficient specificity to enable the Department to ascertain which records are being requested.

(5) *Reason for the request.* The Department asks that the Requester disclose the reason for the request so that the Department's response is limited to relevant documents. However, the Department does not insist that a statement of reason for the RTKL request be provided, nor will the Department reject or refuse a RTKL request on the grounds that no such reason was given. Additionally, if the Requester discloses the reason for the RTKL request, the Department will not deny a Requester access to a public record due to the Requester's intended use of that record.

(6) *Forms.* No specific form is required for submission of the request so long as the required information is included.

(7) *Residency requirement.* The Department is required to provide a Requester with access to a public record only if the Requester is a resident of Pennsylvania. The Department may, in its discretion, rely upon the Requester's stated address, the return address listed on the request, the postmark, or a combination of these or some other factor(s) to determine whether the Requester is a resident of Pennsylvania.

##### **b. Submittal of RTKL Requests.**

(1) All RTKL requests must be addressed to the RTKL Official at the address provided.

(2) The 10-business-day period does not begin to run until the RTKL request is received by the Department's RTKL Official.

(3) If an official or employee of the Department, other than the RTKL Official, receives a RTKL request, that person should, within a reasonable time, either return the RTKL request to the Requester or forward the RTKL request to the Department's RTKL Office. If the request is returned to the Requester, the person who returns it shall inform the Requester that such requests must be sent to the Department's RTKL Official and shall provide

the Requester with the RTKL Official's address. If the request is forwarded to the RTKL Official, the 10-business-day period commences upon receipt of the request at the RTKL Official's address.

**c. Responses, in General.**

(1) The act of providing a Requester with access to a record, either in the offices of the Department, by providing a website address where the document is posted or by sending a copy, is a "response" for purposes of the RTKL.

(2) The Department may send written responses to Requesters by U.S. mail, by hand (in person or by delivery service), by facsimile or by e-mail.

**d. Physical Access to Public Records.**

(1) Unless otherwise provided by law, the Department will make its public records accessible for inspection by any Requester during the regular business hours of the Department. In the case of a public record that is available only through electronic means, the Department will provide access to the public record at an office of the Department. This requirement may be satisfied by providing access (under supervision, as deemed appropriate, to prevent access to information which is not a public record of the Department) at a computer or computer terminal located in a public records access room.

(2) The Department will provide the public record to a Requester in the medium requested if the record exists in that medium. Otherwise, the public record will be provided in the medium in which it exists. If a public record only exists in one medium, the Department is not required to convert that record to another medium.

(3) The Department has the discretion to determine the building(s) and room(s) that will be used to provide a Requester with access to the Department's public records. The selection of buildings and rooms for access to the Department's public records is a matter within the discretion of the RTKL Official.

(4) The Department is not required to create a public record that does not already exist, nor is it required to compile, maintain, format or organize a public record in a manner in which it does not currently do so.

**e. Interim Responses.**

(1) The Department must provide a final response to a RTKL request within 10 business days unless one or more specific conditions are satisfied and the Department gives the Requester written notice that additional time will be required. That notice is referred to as an "interim response."

(2) The circumstances in which the Department may obtain an extension of time in which to provide a final response are as follows:

(a) The RTKL request requires redaction of a public record.

(b) The RTKL request requires retrieval of a record stored at a remote location.

(c) A response within the 10-business-day period cannot be accomplished due to bona fide staffing limitations (including those resulting from business disruptions caused by weather and other occurrences), which limitations must be specified in the interim response.

(d) A legal review is necessary to determine whether the record requested is subject to access under the RTKL.

(e) The Requester has not complied with Department's policies regarding access to public records.

(f) The Requester has not complied with a demand for prepayment of fees which are required to fulfill the RTKL request and which are estimated to exceed \$100. If prepayment of fees is required by the Department, the time period for response shall be tolled from the time the demand for payment is made until such time as payment is actually received.

(3) In addition to setting forth each applicable justification for the extension of time, the interim response must meet the following criteria:

(a) It must be sent to the Requester on or before the last day of the 10-business-day period.

(b) It must include a statement notifying the Requester that the request for access is being reviewed.

(c) It must state a reasonable date when a response is expected to be provided. This date must not be more than 30 calendar days from the end of the 10-business-day period except if the deadline falls on a Saturday, Sunday or holiday, the time for response is the next business day.

**f. Final Responses.**

(1) *Types of final responses.* The RTKL provides for three types of written final responses to a RTKL request:

(a) The Department grants the entire RTKL request.

(b) The Department refuses the entire RTKL request.

(c) The Department grants part of the RTKL request and refuses the remainder.

(2) *Deemed denials.* The failure of the Department to make a timely final response is a deemed denial under the Act.

(3) *Final responses granting requests.* Unless otherwise provided by law, a written RTKL request will be granted if the record is within the statutory definition of a public record.

(4) *Final responses denying requests, either in whole or in part.* If a written RTKL request is denied in whole or in part, the Department will issue a final written response including the following:

(a) A description of the record requested.

(b) The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that that the record requested is not a public record, the specific reasons for the Department's determination that the record is not a public record shall be included.

(c) The typed or printed name, title, business address, business telephone number and signature of the RTKL Official on whose authority the denial is issued.

(d) The date of response.

(e) The procedure to appeal the denial of access under the RTKL.

**g. Redaction.** If only portions of a record are public records, the Department will not deny access to the record based upon the fact that portions are not public records. Rather, the Department will redact the portions that are not public records and produce the portions that are public records.

**h. Duplication of Public Records.**

(1) A public record must be accessible for duplication by a Requester. The Department may either make copies itself or, in its discretion, allow the Requester to bring the necessary equipment to make its own copies.

(2) The Department may make its duplication equipment available to a Requester but require that the Requester operate the equipment; assign its own staff to make the duplications requested by the Requester; or contract for duplication services and require that the Requester pay the contractor for those services.

**5. EXCEPTIONS:**

**a. Filing Exceptions.**

(1) If a RTKL request is denied or deemed denied, whether in whole or in part, the Requester may file exceptions to the denial with the Department.

(2) A person who makes a verbal RTKL request, an e-mail request or an anonymous RTKL request lacks standing to file exceptions. Any exceptions filed by such a Requester shall be dismissed for that reason.

(3) A Requester may not file exceptions to the Department's decision to extend the response period by up to 30 days.

**b. Time for Filing Exceptions.**

(1) Exceptions to the Department's written denial must be filed within 15 business days of the mailing date of the written denial.

(2) Exceptions to a deemed denial must be filed within 15 calendar days of the date the RTKL request is deemed denied.

(3) Exceptions that are untimely filed may be dismissed for that reason.

**c. Contents of Exceptions.**

(1) Exceptions must state the reasons for the Requester's assertion that the record is a public record. Reasons not set forth in writing within the applicable 15-day period are deemed to be waived and may be disregarded by the Department.

(2) Exceptions should address the reasons stated by the Department for denying the RTKL request. Exceptions that fail to comply with this requirement may be dismissed for that reason.

(3) If an RTKL request is deemed denied, the Requester is not required to set forth any grounds for contesting the denial.

**d. Submission of Written Exceptions to the RTKL Exceptions Official.** Exceptions must be set forth in writing and must be received by the RTKL Exceptions Official. Exceptions submitted to any other official, office, or address are defective and do not stop the running of the 15-day exceptions period.

**e. Method of Submission.** Exceptions may be submitted by U.S. mail, by hand (in person or by delivery service) or by facsimile. Submission of exceptions by e-mail will not be accepted.

**f. Exceptions Procedures.** The following procedure will be followed in considering exceptions to the Department's denial of a RTKL request:

(1) Date-stamp the exceptions letter and assign it a tracking number.

(2) Retain the envelope and any documents that accompany the exceptions letter.

(3) Send a copy of the exceptions letter and accompanying documents to the RTKL Official to notify that person of the exceptions.

(4) Schedule and conduct hearings, if hearings are ordered by the RTKL Exceptions Official. The RTKL Exceptions Official may request that the Requester and the Department make written submissions, whether in connection with a hearing or otherwise.

(5) Obtain the services of a court reporter or other method for recording testimony, if a hearing is conducted.

(6) Docket the receipt of evidence and other submittals.

(7) Maintain a record of the final determinations by the RTKL Exceptions Official.

(8) Prepare an official record if an appeal is filed in the Commonwealth Court.

**g. Department Response to Exceptions, Timing of Hearings and Submittals.** The Department may submit a written response to the exceptions. The Department shall submit any such response to the RTKL Exceptions Official and shall send a copy to the person who submitted the exceptions. The RTKL Exceptions Official should set a schedule for the parties to submit any other documents in support of their respective positions. The RTKL Exceptions Official may also impose reasonable limits on the nature and type of documents to be submitted. If a hearing will be conducted, the RTKL Exceptions Official should schedule it promptly.

**h. Period for Resolving Exceptions.** Unless the Requester agrees otherwise, the RTKL Exceptions Official must issue a "final determination" within 30 calendar days of the mailing date of the exceptions. If the Requester requests a hearing, the RTKL Exceptions Official may condition the grant of that request upon the Requester's written consent or agreement to an extension of that time.

**i. Hearings.** The Department may conduct a hearing but is not required to do so. Either party (Requester or Department) may request that a hearing be held. The decision to hold a hearing rests in the discretion of the RTKL Exceptions Official and is not appealable.

**j. Rules of Evidence and Proof of the Nature or Contents of a Withheld Record.**

(1) If a hearing is held, the strict rules of evidence will not be applied. The official presiding at the hearing shall have the discretion to admit into evidence such testimony, evidence, and documents as he or she believes to be reasonably probative and relevant to an issue in dispute. The presiding official may also limit the nature and extent of evidence found to be cumulative.

(2) The RTKL does not provide for the in camera examination of a withheld document. Consequently, if the Department denies access to a record, that record should not be submitted to the RTKL Exceptions Official. Rather, the Department should provide a description of the record, either in writing or by means of oral testimony. If the record is set forth on a form, a copy of the blank form also may be submitted. The Department shall not be compelled to produce a withheld record to the RTKL Exceptions Official.

(3) Unless it is presented to the RTKL Exceptions Official, no withheld record shall become a part of the official record.

**k. Rules of Procedure.** If exceptions are to be resolved without a hearing, the General Rules of Administrative Practice and Procedure, set forth at 1 Pa. Code Chapters 31, 33, and 35, do not apply. If a hearing is held, the General Rules of Administrative Practice and Procedure shall apply.

**1. Department Final Determination.** Exceptions are resolved by a final determination of the RTKL Exceptions Official. A final determination must be set forth in writing. If the RTKL Exceptions Official determines that the Department correctly denied the RTKL request, he or she must provide a written explanation to the Requester of the reason for the denial, which explanation may include such exhibits or references to materials as the RTKL Exceptions Official deems appropriate.

#### 6. FEES AND CHARGES:

**a. Photocopies.** One "photocopy" is either a single-sided copy or one side of a double-sided copy.

- 1 side of a standard 8.5" x 11" page \$0.15 if using the Department's copiers and prevailing cost if copied otherwise.
- 1 side of any irregular sized page The Department may set this fee based on its determination of the prevailing cost at the time of the RTKL request.

#### b. Other Materials.

- PC Diskettes \$5 per diskette plus cost of labor.
- Microfilm/Microfiche/Other Actual cost (including cost of labor, both salary and benefits).

#### c. Postage.

- Material fitting into standard letter envelope and sent by First Class United States mail No Charge
- Other Actual cost

**d. Redaction.** The Department may charge a reasonable fee for necessary redaction including cost of labor, both salary and benefits.

**e. Certified Copies.** The Department may assess a reasonable fee for providing certified copies in response to a request for certified copies.

**f. Compilation.** The Department may charge a reasonable fee for compiling and printing requested records or compiling electronic records based on cost of labor, both salary and benefits.

**g. Other Costs.** The Department may assess reasonable fees for labor and other expenses necessary to comply with the request for access to, or copying of, requested records (but not for determining whether requested records are public records required to be provided to the requested pursuant to the RTKL), e.g., costs for retrieval of records from storage.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 06-993. Filed for public inspection June 2, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Albert Einstein Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-994. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Application of Allegheny General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Hospital has requested an exception to the requirements of 28 Pa. Code § 151.21 (relating to fire drills).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-995. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Application of Digestive Disease Institute and PA GI Consultants for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Digestive Disease Institute and PA GI Consultants have requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-996. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Application of Physicians Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-997. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Application of Pottstown Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pottstown Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-998. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Application of St. Clair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Clair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.6, 7.6.B12 and 9.1.C (relating to psychiatric nursing unit; therapy/multipurpose; and facility).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-999. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1000. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Health Policy Board Meeting Cancellation

The Health Policy Board meeting scheduled for Wednesday, June 14, 2006, in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120 has been cancelled. The next scheduled meeting will be held on Wednesday, September 13, 2006, from 10 a.m. until 12 p.m. in Room 812, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Lew Wolkoff, Bureau of Health Planning at (717) 772-5298 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1001. Filed for public inspection June 2, 2006, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 18, 2006, and announced the following:

*Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective May 17, 2006*

Pennsylvania Public Utility Commission #57-238: Gas Service; Safety Code (amends 52 Pa. Code § 59.33)

*Regulations Approved*

State Board of Pharmacy #16A-5412: Drug Therapy and Injectable Medications, Biologicals and Immunizations (amends 49 Pa. Code Chapter 27)

Department of Community and Economic Development #4-82: Manufactured Housing Improvement Program (amends 12 Pa. Code Chapter 149)

### Approval Order

Public Meeting held  
May 18, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.

*State Board of Pharmacy—Drug Therapy and Injectable Medications, Biologicals and Immunizations; Regulation No. 16A-5412*

On September 29, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code Chapter 27. The proposed regulation was published in the October 9, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 13, 2006.

This regulation implements Act 102 of 2002 which expanded the practice of pharmacy to include drug therapy management and drug administration. The regulation establishes the requirements, standards and procedures for pharmacists to qualify for the authority to administer medications. It also sets forth continuing education requirements and the content requirements for written protocols between physicians and pharmacists.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9), 390-9.1(e) and 390-9.2(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
May 18, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.

*Department of Community and Economic Development—Manufactured Housing Improvement Program; Regulation No. 4-82*

On November 22, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Community and Economic Development. This rulemaking amends 12 Pa. Code Chapter 149. The proposed regulation was published in the December 24, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 13, 2006.

This final-form regulation establishes the provisions of the Manufactured Housing Improvement Program, as required by Act 158 of 2004.

We have determined this regulation is consistent with the statutory authority of the Department of Community and Economic Development (35 P. S. § 1658.5) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find

promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1002. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-406	Department of Transportation Emissions Inspection Program	5/23/06	7/6/06

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1003. Filed for public inspection June 2, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate

HM Health Insurance Company, a Virginia stock life insurance company, has submitted a plan of redomestication, whereby it proposes to redomesticate from the Commonwealth of Virginia to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to the Business Corporation Law of 1988) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [cbybee@state.pa.us](mailto:cbybee@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1004. Filed for public inspection June 2, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Steam Heat Service

**A-130100F2000. Community Central Energy Corporation.** Application of Community Central Energy Corporation for approval of the abandonment of steam heat service to the public in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 19, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Community Central Energy Corporation

*Through and By Counsel:* Joseph A. O'Brien, Esquire, Oliver, Price and Rhodes, 1212 Abington Road, Clarks Summit, PA 18411

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1005. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Telecommunications

**A-310651F7003. Commonwealth Telephone Company and Service Electric Telephone Company, LLC.** Joint petition of Commonwealth Telephone Company and Service Electric Telephone Company, LLC for approval of amendments to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Service Electric Telephone Company, LLC, by its counsel, filed on May 16, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendments to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1006. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Telecommunications

**A-311394F7018. Frontier Communications of Breezewood, LLC and T-Mobile USA, Inc.** Joint petition of Frontier Communications of Breezewood, LLC and T-Mobile USA, Inc. for approval of an interconnection and traffic agreement for cellular and other 2-way mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC and T-Mobile USA, Inc., by its counsel, filed on May 15, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Breezewood, LLC and T-Mobile USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1007. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Telecommunications

**A-311394F7019. Frontier Communications of Canton, LLC and T-Mobile USA, Inc.** Joint petition of Frontier Communications of Canton, LLC and T-Mobile USA, Inc. for approval of an interconnection and traffic agreement for cellular and other 2-way mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Canton, LLC and T-Mobile USA, Inc., by its counsel, filed on May 15, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Canton, LLC and T-Mobile USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1008. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Telecommunications

**A-311394F7021. Frontier Communications of Lakewood, LLC and T-Mobile USA, Inc.** Joint petition of Frontier Communications of Lakewood, LLC and T-Mobile USA, Inc. for approval of an interconnection and traffic agreement for cellular and other 2-way mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Lakewood, LLC and T-Mobile USA, Inc., by its counsel, filed on May 15, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Lakewood, LLC and T-Mobile USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1009. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Telecommunications

**A-311394F7020. Frontier Communications of Oswayo River, LLC and T-Mobile USA, Inc.** Joint petition of Frontier Communications of Oswayo River, LLC and T-Mobile USA, Inc. for approval of an interconnection and traffic agreement for cellular and other 2-way mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Oswayo River, LLC and T-Mobile USA, Inc., by its counsel, filed on May 15, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days



after the date of publication of this notice. Copies of the Frontier Communications of Oswayo River, LLC and T-Mobile USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1010. Filed for public inspection June 2, 2006, 9:00 a.m.]

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### Telecommunications

**A-311394F7007. Frontier Communications of Pennsylvania, LLC and T-Mobile USA, Inc.** Joint petition of Frontier Communications of Pennsylvania, LLC and T-Mobile USA, Inc. for approval of an interconnection and traffic agreement for cellular and other 2-way mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and T-Mobile USA, Inc., by its counsel, filed on May 15, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Pennsylvania, LLC and T-Mobile USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1011. Filed for public inspection June 2, 2006, 9:00 a.m.]

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### Telecommunications

**A-311365F7001. Verizon North Inc. and CloseCall America, Inc.** Joint petition of Verizon North Inc. and CloseCall America, Inc. for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and CloseCall America, Inc., by its counsel, filed on May 10, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon North Inc. and CloseCall America, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1012. Filed for public inspection June 2, 2006, 9:00 a.m.]

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### Telecommunications

**A-311408F7001. Verizon North Inc. and Northstar Telecom, Inc.** Joint petition of Verizon North Inc. and Northstar Telecom, Inc. for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Northstar Telecom, Inc., by its counsel, filed on May 10, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Northstar Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1013. Filed for public inspection June 2, 2006, 9:00 a.m.]

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### Telecommunications

**A-311408F7000. Verizon Pennsylvania Inc. and Northstar Telecom, Inc.** Joint petition of Verizon Pennsylvania Inc. and Northstar Telecom, Inc. for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Northstar Telecom, Inc., by its counsel, filed on May 10, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon Pennsylvania Inc. and Northstar Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1014. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Telecommunications Service

**A-311409F0002AMA. Velocity.Net Communications, Inc.** Application of Velocity.Net Communications, Inc. for approval to offer, render, furnish or supply competitive local exchange carrier services to the public in the service territory of Alltel Pennsylvania, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 19, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Velocity.Net Communications, Inc.

*Through and By Counsel:* Keith Wood, Esquire, 235 North Edgeworth Street, Greensboro, NC 27401

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1015. Filed for public inspection June 2, 2006, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-075.4, Furnish and Install Roof Top Pole Lights at Pier 82 South until 2 p.m. on Thursday, July 13, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 20, 2006. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held June 29, 2006, at 10 a.m. at Columbus Blvd. and entrance gate north of Snyder Ave., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-1016. Filed for public inspection June 2, 2006, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Approval of Resolutions Regarding the Highly Qualified Teacher Requirements of the No Child Left Behind Act of 2001

On May 18, 2006, at a regular public meeting of the State Board of Education (Board), the Board approved two resolutions that address the highly qualified teacher requirements of the Federal No Child Left Behind Act of 2001. The first resolution establishes a high objective uniform State standard of evaluation process (HOUSSSE) for teachers who received their certificate in elementary education before 1988. The second resolution establishes a HOUSSSE process for experienced Commonwealth teachers or new special education teachers who teach multiple core academic subjects in middle and secondary school settings. The resolutions follow.

JIM BUCKHEIT,  
*Executive Director*

### RESOLUTION

*WHEREAS*, in enacting the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), the Congress of the United States imposed upon the States certain requirements that they must meet as a condition of receiving Federal funds in support of primary and secondary education; and

*WHEREAS*, NCLB requires all teachers teaching in core academic subjects to be highly qualified by the end of the 2005-2006 school year; and

*WHEREAS*, as part of its monitoring responsibilities under NCLB, the United States Department of Education (USDE) reviewed Pennsylvania's implementation of the highly qualified teacher provisions of NCLB; and

*WHEREAS*, USDE issued findings as part of a monitoring report relating to Pennsylvania's implementation of the highly qualified provisions of NCLB; and

*WHEREAS*, one finding USDE in its monitoring report states that Pennsylvania has not demonstrated that its Elementary teachers certified prior to the implementation of testing requirements are highly qualified under NCLB; and

*WHEREAS*, the Pennsylvania Department of Education (PDE) filed a response to USDE's monitoring report on April 5, 2006; and

*WHEREAS*, the Pennsylvania State Board of Education (State Board) reviewed and considered PDE's response to USDE's preliminary findings; and

*WHEREAS*, the response documented that Pennsylvania's Elementary Teachers certified prior to the implementation of testing requirements in 1988 are highly qualified; and

*WHEREAS*, through its response, PDE established a State-level high objective state standard of evaluation (HOUSSE) detailing the following pieces of evidence, which demonstrate that Elementary teachers certified prior to Pennsylvania's implementation of teacher testing requirements have demonstrated subject matter competency and are highly qualified as required by NCLB:

- Pennsylvania has a long and rich tradition of preparing highly qualified teachers.
- Pennsylvania's rigorous teacher training programs require teachers to demonstrate grade appropriate subject matter knowledge and teaching skills.
- All teachers are evaluated annually using a state-wide assessment tool which measures, in part, an educator's mastery of his or her content area.
- All teachers have been required to demonstrate satisfactory teaching performance before obtaining a Level II certificate.
- All teachers must satisfy professional development requirements in their areas of certification or assignment to maintain certification.
- Pennsylvania's teacher preparation program standards are aligned with student academic achievement standards.

*NOW, THEREFORE, be it RESOLVED:* The State Board of Education concurs in the statements made in the Pennsylvania Department of Education's response to the findings of the U. S. Department of Education related to the quality of Pennsylvania's Elementary teachers certified prior to Pennsylvania's implementation of teacher testing requirements and specifically recognizes that Pennsylvania's teachers have satisfied Pennsylvania's State-level high objective uniform state standard of evaluation, have demonstrated subject matter competency and, therefore, are highly qualified under NCLB.

### RESOLUTION

*WHEREAS*, in enacting the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), the Congress of the United States imposed upon the States certain requirements that they must meet as a condition of receiving Federal funds in support of primary and secondary education; and

*WHEREAS*, NCLB requires all teachers teaching in core academic subjects to be highly qualified by the end of the 2005-2006 school year; and

*WHEREAS*, as part of its monitoring responsibilities under NCLB, the United States Department of Education (USDE) reviewed Pennsylvania's planned implementation of the highly qualified teacher provisions of NCLB; and

*WHEREAS*, USDE issued findings as part of a monitoring report relating to Pennsylvania's implementation of the highly qualified provisions of NCLB; and

*WHEREAS*, one finding by USDE in its monitoring report states that Pennsylvania's Bridge II program is not rigorous enough to provide a high objective state standard of evaluation by which teachers could become highly qualified; and

*WHEREAS*, the Pennsylvania Department of Education (PDE) filed a response to USDE's monitoring report on April 5, 2006; and

*WHEREAS*, the Pennsylvania State Board of Education (State Board) reviewed and considered PDE's response to USDE's preliminary findings; and

*WHEREAS*, in the response to the finding made by USDE in its monitoring report, PDE agreed to discontinue the Bridge II program; and

*WHEREAS*, PDE's Bridge I program will expire July 30, 2006; and

*WHEREAS*, PDE, with assistance from the State Board, developed a new high objective state standard of evaluation (HOUSSE) program to replace the Bridge II program; and

*WHEREAS*, the new HOUSSE program is a high objective state standard of evaluation; and

*WHEREAS*, the new HOUSSE program provides that experienced Pennsylvania teachers or new special education teachers who teach multiple core academic subjects in middle and secondary settings and who qualify for the additional flexibility under IDEA may demonstrate subject matter competency and be designated as "highly qualified" upon the obtainment of 100 points, documented through achievements in the following areas:

- Satisfactory teaching experience in the core academic subject area.
- College and graduate coursework in the core academic subject area.
- Professional education courses in the core academic subject area.
- Advanced degree in teaching, curriculum, instruction, or assessment related to the core academic subject area.
- Academic scholarship and awards related to the core academic subject area.
- Pennsylvania Instructional II Special Education certification.

*NOW, THEREFORE, be it RESOLVED:* Teachers successfully completing Pennsylvania's HOUSSE program by documenting 100 points in the above categories have demonstrated subject matter competency through Pennsylvania's high objective state standard of evaluation and are highly qualified under NCLB.

[Pa.B. Doc. No. 06-1017. Filed for public inspection June 2, 2006, 9:00 a.m.]

### Schedule of Meetings for 2007

The regular meetings of the State Board of Education (Board), Councils of Basic and Higher Education and the State Board for Vocational Education will be held on the following dates:

January 17—18, 2007  
 March 21—22, 2007  
 May 16—17, 2007  
 July 18—19, 2007  
 September 19—20, 2007  
 November 21—22, 2007

Unless due and timely notice to the contrary is given, these meetings will be held in the Conference Rooms on the Lobby Level and First Floor of the Education Building, 333 Market Street, Harrisburg, PA.

Persons with disabilities needing special accommodations to attend the meetings should contact the Board at (717) 787-3787 at least 24 hours in advance so that arrangements can be made.

This schedule of meetings as well as future notices of special meetings, hearings and roundtables of the Board, councils and committees will be posted on the Board's web pages on the Department of Education website: [www.pde.state.pa.us](http://www.pde.state.pa.us).

JIM BUCKHEIT,  
*Executive Director*

[Pa.B. Doc. No. 06-1018. Filed for public inspection June 2, 2006, 9:00 a.m.]

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